NOTE

ON THE

ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE

IN THE PROVINCE OF OUDH

During the calendar year ending 31st December, 1940

WITH STATEMENTS

ALLAHABAD:
SUPERINTENDENT, PRINTING AND STATIONERY, UNITED PROVINCES, INDIA
1941

Price, 14 annas.]

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NOTE ON THE ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE IN THE PROVINCE OF OUDH DURING THE YEAR 1940

CHIEF COURT

1. Since the establishment of the Chief Court, the permanent strength of the Court was of five Judges (inclusive of the Chief Judge). In consequence of the withdrawal of original jurisdiction, and as a measure of economy, that strength was reduced to four Judges (inclusive of the Chief Judge). The state of work in the Court, however, necessitated the appointment of an Additional Judge, who worked throughout the year, except during the annual vacation and from 22nd July to 15th September, 1940. Constitution.

CHIEF JUDGE

Hon'ble Mr. Justice (now Sir) George Thomas, Barrister-at Law, persided over the Court throughout the year.

PUISNE AND ADDITIONAL JUDGES

(1) Hon'ble Mr. Justice Ziaul Hasan, B.A., Khan Bahadur, from 1st January to 15th November, 1940. He proceeded on leave preparatory to retirement from 16th November to 15th December, 1940, and retired from 16th December, 1940.

(2) Hon'ble Mr. Justice A. H. deB. Hamilton, I.C.S., from 1st January to 15th July, 1940, when he was elevated to the Bench of the Allahabad High Court.

(3) Hon'ble Mr. Justice R. L. Yorke, I.C.S., from 1st January to 31st December, 1940.

(4) Hon'ble Mr. Justice Radha Krishna Srivastava, B.SC., LL.B., Additional Judge from 1st January to 12th May, 1940, when the term of his first appointment expired. He was appointed again but died before he could assume charge.

(5) Hon'ble Mr. Justice J. R. W. Bennett, I.C.S., Additional Judge, from 13th to 21st July, 1940, and permanent Puisne Judge from 22nd July to 31st December, 1940.

(6) Hon'ble M. Justice Ghulam Hasan, B.A., LL.B., Additional Judge, from 16th September to 15th December, 1940, and permanent Puisne Judge from 16th to 31st December, 1940.

(7) Hon'ble Mr. Justice Priya Charan Agarwal, Rai Bahadur, Acting Puisne Judge, from 16th November to 15th December, 1940, and Additional Judge from 16th to 31st December, 1940.

CIVIL JURISDICTION

Institutions, disposals and pending file.

2. The following table gives details of institutions and disposals and pending file in the Chief Court of different kind of cases of civil nature :

Class of cases		Pending from 1939	Instituted in 1940	Total	Decided in 1940	Pending at the end of the year 1940
Original						
Regular suits		3	..	3	2(*a*)	1
Divorce cases		3	8	11	7	4
Miscellaneous	Testamentary cases (contested).	..	1	1	..	1
	Testamentary cases (uncontested).	..	1	1	..	1
	Commercial cases ..	2	3	5	5	..
Application for execution of decrees ..		20	5	25	10	15
Appellate						
First appeals against the decrees of original jurisdiction of Chief Court (Bench).		7	2	9	..	9
First regular appeals (including rent appeals) against the decrees of civil subordinate courts (Bench).		373	151(*b*)	524	88	436
Second regular appeals (including rent appeals).	Bench ..	145	106(*b*)	251	50	201
	Single ..	946	433	1,379	362	1,017
Execution of decree appeals	Bench ..	72	36	108	28	80
	Single ..	50	20	70	25	45
Miscellaneous appeals ..	Bench ..	199	64	263	87	176
	Single ..	52	10	62	29	33
Appeals under section 12(2), Oudh Courts Act (IV of 1925) (Bench).		62	34	96	17	79
Civil revisions under section 115, Code of Civil Procedure.	Bench ..	153	41	194	89	105
	Single ..	175	74	249	111	138
Civil revisions under section 25, Provincial Small Cause Courts Act (IX of 1887).	Bench ..	1	2	3	2	1
	Single ..	221	117	338	161	177
Applications for leave to appeal to His Majesty in Council.		19	16	35	19	16
Applications under section 75, Provincial Insolvency Act (V of 1920).		6	2	8	6	2

Class of cases		Pending from 1939	Instituted in 1940	Total	Decided in 1940	Pending at the end of the year 1940
Applications under section 66, Income Tax Act (XI of 1922).		3	2	5	3	2
References for ruling under the Code of Civil Procedure and other enactments.		17	22	39	32	7
Applications under section 46, Encumbered Estates Act.		19	7	26	20	6
Applications under section 276, United Provinces Tenancy Act.		..	4	4	2	2
Full Bench references.	Second civil appeals ..	2	1	3	3	..
	Rent appeals ..	..	1	1	..	1
	Miscellaneous appeals ..	..	1	1	..	1
	Execution of decree appeals.	..	1	1	1	..
	Civil revision under section 115, Civil Procedure Code.	..	1	1	1	..
	Civil revisions under section 25, Small Cause Courts Act.	..	2	2	2	..
	Civil revision under section 46, Encumbered Estates Act.	..	1	1	1	..
Review applications		16	13	29	27	2
Miscellaneous applications	Bench ..	98	333	431	308	123
	Single ..	206	776	982	792	190

(a) Include one which was transferred to District Court, Lucknow, under section 50 of the Oudh Courts Act (IV of 1925) as amended by United Provinces Act IX of 1939.

(b) Include one which is restored to its original number.

Institutions, special features.

3. The original jurisdiction of the Court having been withdrawn in 1939, no original suit was instituted during the year under report.

The number of first appeals instituted during the year 1940 was 153, as against 176 in the year 1939. The decrease, however, calls for no comment because, as pointed out in the note on the administration of civil justice in Oudh for 1939, the figure of institutions of first appeals in the year 1939 was the highest "recorded since the establishment of the Chief Court in 1925" and it was "due to the larger disposal of the United Provinces Encumbered Estates Act cases by the special judges." The institution of first appeals in 1940 was higher than the institutions in the years 1938 (150), 1937 (124) and 1936 (136).

The institutions of second appeals increased from 424 to 539, but that of civil revisions fell from 290 to 234.

Disposals, special features.

4. Out of the three original suits pending at the commencement of the year one suit, with a valuation of Rs.20,16,330, was decided by this Court and another suit, valued at Rs.55,10,859, was transferred to the court of District Judge, Lucknow, and has since been disposed of by the Civil Judge of Lucknow. At the close of the year only one suit, valued at Rs.14,27,855, remained pending in this Court. It has since been disposed of.

On the original side, seven divorce cases and five commercial cases were also decided during the year under review.

The disposal of first appeals decreased from 122 to 88 while that of second appeals increased by 34 to 412. The number of civil revisions disposed of increased by 167 to 363.

Decisions of first and second appeals by bench of two Judges decreased, but those of single Judge second appeals increased from 310 to 362.

Pending file, special features.

5. The pending file at the close of the year consisted of 445 first appeals: 32 of 1937, 123 of 1938 and 290 of 1939-40; 1,218 second appeals: 71 of 1937, 281 of 1938 and 866 of 1939-40; and 421 civil revisions.

During the last five years the pending file (except of civil revisions) has been steadily increasing every year, but the above figures are the highest recorded so far. The main reasons for the increase in the pending file are:

(1) the Court had to work with only four Judges from 22nd July to 15th September, 1940;

(2) four Hon'ble Judges were busy on the original side for 77 days, and eight Full Bench references were heard by a bench of three Judges;

(3) one Hon'ble Judge was away on inspection tour for 13 days;

(4) heavy criminal work during the year under report. The arguments in the Hathaura conspiracy case lasted from 18th September to 23rd October, 1940, and judgment was pronounced on 4th November, 1940.

Execution applications.

6. The applications for execution instituted in this Court are transferred to the subordinate courts for disposal as this Court has no agency for execution of decrees. Out of the 15 applications pending at the close of the year 13 were pending for more than one year. In six proceedings are stayed and in two receivers have been appointed by the courts executing the decrees. Reminders are issued, from time to time, to the courts concerned to expedite disposal of these applications.

Appeals from the original jurisdiction of this Court.

7. Out of nine appeals from decrees and orders on the original side of the Chief Court pending at the close of the year, seven related to taluqdari cases, one to non-taluqdari partition case and the remaining one to a trust case. Four of these appeals were instituted in 1938, three in 1939, and two in 1940. The first two appeals of 1938 were ready for fixation of dates of hearing, but they could not be fixed owing to other appeals of 1937 and on account of rush of other civil and criminal

work. The remaining two appeals of 1938 and three appeals of 1939, which arise out of the same suit, are not yet ready for hearing owing to the death of certain parties.

8. At the commencement of the year, eight appeals were pending before the Privy Council and one was admitted during the course of the year. The record of one case was sent to the Privy Council this year. Leave to appeal was granted in five cases and the preparation of records in these and other cases is in progress. In three cases the certificates were cancelled. **Privy Council appeals.**

During the year, two appeals were decided by the Privy Council. The decree of the Chief Court was confirmed in one, and was reversed in the other.

9. The percentage of interference by this Court with the decision of subordinate civil courts decreased this year, in the case of first appeals from 11 to 10 and in the case of second appeals from 14 to 12. The percentage of unsuccessful appeals has been 76 (first civil appeals) and 81 (second civil appeals) as against 73 and 76, respectively, in the previous year. Fifty-three second civil appeals as against 46 in 1939 were summarily rejected under Order XLI, rule 11(1) of the Code of Civil Procedure. **Percentage of interference.**

CRIMINAL JURISDICTION

10. The criminal appellate work (excluding government appeals) before the Chief Court has been steadily increasing during the last three years as will appear from the following table :

Year	Number instituted	Number of persons involved	Total number of appeals for disposal	Disposal	Balance
1940	715	1,101	834	735	99
1939	597	902	664	545	119
1938	405	568	505	438	67

The total number of appeals (excluding government appeals) increased from 664 (involving 981 persons) to 834 (involving 1,297 persons).

The decisions increased from 545 (involving 785 persons) to 735 (involving 1,107 persons).

The total number of appellants before the Chief Court, including the persons involved in appeals by Government, rose from 1,019 to 1,334. Of 1,107 convicted persons, whose appeals were decided during the year, 809 were completely unsuccessful and 107 succeeded in having their sentences modified. The orders passed against 175 were reversed. The proceedings were quashed against one person, who was ordered to be hanged in another case. Further inquiry was ordered in the case of 15 persons. The appeals of 190 persons remained pending at the close of the year.

Although the criminal work before the Court was very heavy yet the average duration of appeals by persons convicted was practically the same as last year, viz. 56 days. This is very satisfactory.

The aforesaid 834 appeals include the appeals of 108 persons condemned to death in respect of whom 82 references, under section 374 of the Code of Criminal Procedure, for confirmation of sentences were made by the sessions courts to this Court. These include 11 cases involving 16 persons pending from 1939. The death sentence passed against 65 persons was confirmed and in respect of 11 it was commuted to transportation for life. In the case of four persons the conviction under section 302, I. P. C., was altered to one under section 304, I. P. C., and 15 persons were acquitted. At the close of the year nine cases involving 12 persons remained pending. Counsel were engaged at Government expense in 48 cases for the appellants.

11. The number of government appeals before the Court was 11, involving 37 accused persons. Eight appeals involving 23 accused persons were decided during the year. Five appeals against 14 persons were allowed; one appeal against seven persons was partly allowed and partly dismissed and two appeals against 2 persons were entirely dismissed. Three appeals affecting 14 persons remained pending at the end of the year. In five of these appeals counsel were engaged at Government expense to defend the unrepresented accused.

12. During the year there were two jury references, under section 307 of the Code of Criminal Procedure, involving two persons. In both cases the verdict of the jury was set aside and the accused were convicted and sentenced to imprisonment.

13. There were 252 revisions and references (involving 796 persons) before the Court excluding references under section 374 of the Code of Criminal Procedure. Out of these 220 in all were decided.

There were three applications on behalf of Government for enhancement of sentences against five persons. One application against two persons was allowed and the sentences passed on the accused were enhanced, and the second against one person was dismissed, while the third against two persons is pending. Counsel was engaged on behalf of Government in one reference. There were eight cases (involving 21 persons) in which action was taken *suo motu* by this Court (seven involving 20 persons were of 1940 and one against one person was pending from 1939). Of these the rule against one person was discharged and in the other seven against 20 persons the sentences passed were enhanced.

14. There were 39 applications for transfer before the Court of which five were allowed and 33 were dismissed, leaving one pending at the close of the year.

GENERAL

Inspection of civil courts.

15. All the civil courts in Oudh were inspected by Hon'ble Mr. Justice R. L. Yorke, I.C.S., either at the end of the year under report or in the beginning of 1941.

The Indian Bar Councils Act and the Legal Practitioners Act.

16. The number of legal practitioners in Oudh increased by 49, from 1,983 to 2,032 in the year under review. Of these 572 were advocates and 1,460 were pleaders. Eleven advocates were enrolled and 122 pleaders were admitted during the year 1940.

Three applications under the Bar Councils Act, one against a vakil and two against advocates, were filed during the year under review. The one against the vakil was dismissed after an inquiry by the District Judge. Of the applications against the advocates one was dismissed after an inquiry by the Bar Council and the other is pending.

CIVIL COURTS SUBORDINATE TO THE CHIEF COURT

17. No change in the location, constitution and jurisdiction of the permanent civil subordinate courts took place during the year, except as noted below : Constitution and jurisdiction.

The pecuniary jurisdiction of Munsif, Hardoi (East), was extended in the previous year to enable him to try all suits and original proceedings, cognizable by a civil court the value of which did not exceed Rs 5,000 and he was allowed to exercise the enhanced jurisdiction for a further period of two months from 1st January, 1940.

In addition to the permanent judicial staff employed on the civil side, two Indian Civil Service officers under judicial training disposed of some civil work as stated below :

Name with designation	Regular cases	Miscellaneous cases	Execution applications
Mr. Shivdasani, as Additional District and Sessions Judge, Lucknow.	66	10	13
Mr. Shiveshwarkar as Civil and Sessions Judge, Lucknow.	11	1	1

ORIGINAL JURISDICTION

18. The number of civil suits instituted decreased from 35,338 in 1939 to 30,368 in 1940. The institutions in the courts of munsifs fell by 657 to 7,668, in the courts of judges of small causes by 4,156 to 21,868 and in the courts of district judges by 1 to 7 ; but they increased in the courts of civil judges by 14 to 501. These figures include suits under the Encumbered Estates Act. Institution of civil suits (statement no. 27).

Suits for money or movable property decreased from 28,376 to 23,958; mortgage suits from 1,276 to 1,190 ; suits for specific relief from 450 to 404 ; suits for immovable property from 3,396 to 2,782 ; matrimonial suits form 165 to 156, while suits to establish a right of pre-emption increased from 541 to 605 and other suits from 1,134 to 1,273. There was a decrease in all judgeships. Sitapur shows the largest decrease with 1,258, then come Fyzabad with 1,191, Rae Bareli 776 and Gonda 514.

The decrease is most marked in the number of suits of small cause court nature, It was due partly to the fact that suits for money which

would otherwise have been instituted during the year had already been put before the courts much earlier in the form of claims under the Encumbered Estates Act, and partly to the Debt Legislation in consequence of which financial transactions with landlords and agriculturists practically ceased. The fall in the institutions of mortgage suits must also be attributed to the same causes. The disposal of claims to property under section 11 of the Encumbered Estates Act, coupled with the general economic depression prevailing in the country, appears to be largely responsible for the decrease in the number of suits relating to movable and immovable property and other suits.

Valuation of suits (statement no. 28).

19. The valuation of suits instituted in different courts increased or decreased as follows :

					Rs.
Munsifs courts increased by ..		..	..	..	1,04,967
Civil judges courts ditto	..	..	..	..	28,79,409
District judges courts ditto	..	..	..	..	12,715
Honorary courts decreased by..		..	..	..	11,213
Small cause courts ditto	..	..	..	..	2,73,522

In spite of the fall in institutions the total value of suits increased from Rs.95,67,012 to Rs.1,22,79,368, as a result of suits of higher valuation being instituted.

Disposal of suits (statement no. 29).

20. The total number of suits for disposal before the courts decreased by 11,490 to 44,037.

The disposal of civil suits excluding transfers, decreased by 4,530 to 34,333. The decrease was spread over the whole province. Sitapur, Fyzabad and Gonda show a decrease of 1,265, 750 and 642 respectively. Then come Lucknow, with a decrease of 528 (including 336 in the courts of judges, small causes), Bara Banki of 475, Hardoi of 336, Unao of 255 and Rae Bareli of 279.

The decrease in the disposal figures seems to be due partly to the fact that in order to dispose of a single case under the Encumbered Estates Act the courts invested with the powers of special judges had generally to dispose of a large number of claims—the number of such claims in some cases exceeded 100; partly to the abolition of movable courts for want of candidate munsifs for appointment in leave arrangements and in the vacancies due to the creation of temporary courts of civil and sessions judges; partly to the abolition of some honorary courts; and partly to the decrease in the number of cases available for disposal.

All the permanent courts of civil judges and the movable courts of additional civil judges at Unao, Fyzabad, Bara Banki, Sitapur, Hardoi, Sultanpur and Partabgarh exercised the powers of an assistant sessions judge. The civil and sessions judges and assistant sessions judges decided 621 sessions cases. Fourteen munsifs exercised the powers of magistrates of the first class and disposed of 412 cases in addition to their regular work.

The district judges remained for the most part busy with criminal work and could therefore do very little civil work.

The amount of miscellaneous and insolvency work disposed of by them and the additional district judge is shown below :

District judges	Number of cases decided— Miscellaneous	Insolvency
Lucknow	108	..
Do. Additional	10	..
Bara Banki	29	3
Unao	14	..
Sitapur	63	..
Hardoi	34	8
Fyzabad	42	10
Gonda	28	..
Rae Bareli	34	7
Total ..	362	28

Jurisdiction under Insolvency Act was also exercised by judge, small cause court, Lucknow, civil judges, Unao and Gonda and civil and sessions judge, Bahraich, who decided 81, 8, 7, and 3 cases respectively. There was one application for being declared an insolvent before civil and sessions judge, Kheri, but it could not be decided during the year. The two small cause courts at Lucknow disposed of 7,548 suits, showing a decrease of 429 suits. This was due to fall in institutions.

The following table gives summary of the work before the civil judges, munsifs and courts of small causes during the year:

Designation	Suits pending from 1939	Total number of suits— For disposal	Decided after full trial	Disposed of otherwise	Pending more than a year
Civil judges (regular)..	779	2,073	634	710	355
Munsifs (regular) ..	3,624	13,535	5,066	5,710	393
Courts of small causes	3,497	27,522	4,161	21,141	87

HONORARY MUNSIFS

21. During the year under review there were four honorary munsifs sitting singly. One of them did no work. The remaining three decided 386 suits as against 1,428 in 1939.

BENCH OF HONORARY MUNSIFS

22. There were two benches in the beginning of the year, one at Tanda (Fyzabad district) and the other at Naupara (Bahraich district). The latter worked up to February 20, 1940, and was thereafter abolished. These benches decided 245 suits as against 369 in 1939.

VILLAGE COURTS

23. The number of village courts remained the same as in the previous year. These courts decided 117 cases.

There were two applications for revision under section 73 of the Village Courts Act before the district judge, Hardoi. Both of them were rejected.

VILLAGE PANCHAYATS

24. During the year the number of village panchayats was 1,133, showing an increase of three over the last year's figure.

Decisions after full trial.

25. The number of suits decided after full trial during the year was 10,019 as against 11,419 in the previous year. The number of such suits disposed of by the district judges, civil judges and munsifs, respectively, decreased from 43 to 32, 2,050 to 1,816 and 7,928 to 6,959. The district judges were unable to do sufficient civil work owing to heavy criminal work on their file. The decrease in other courts appears to be mainly due to the fact that there was a fall in the total number of suits disposed of. The number of suits decided otherwise than after full trial was 23,809.

Pending file.

26. The aggregate of pending cases at the close of the year decreased by 2,291 to 5,792. Fyzabad (716), Rae Bareli (508), Sitapur (503) and Gonda (265) show the greatest decrease. The total number of suits pending over six months decreased by 476 to 1,143. The largest decrease was reported from Fyzabad (171), followed by Gonda (132) and Sitapur (80) while there was a nominal increase at Unao (11). The total number of suits pending for more than a year decreased by 421 to 788. Almost all judgeships have contributed to this decrease except Unao where there was an increase of six over the figure of the previous year, which was 54. The largest number of such cases pending was in Fyzabad (187), Rae Bareli (115), Bara Banki (126) and Hardoi (84).

Duration of suits.

27. It is satisfactory to note that the average duration of cases decided after full trial in the courts of munsifs, civil judges and district judges decreased from 240, 393 and 110 to 202, 310 and 101, respectively. The provincial average duration of suits decided after full trial was 149 days as against 170 in the previous year. The average duration of suits decided after full trial by the judge and additional judge, small cause court, Lucknow, was 67.

The Court expects further improvement as soon as the suits under the Encumbered Estates Act, which are mainly responsible for long duration, are disposed of.

EXECUTION PROCEEDINGS

(Provincial statement no. I.)

28. There were 17,842 (including one received by transfer from the Chief Court) applications for execution pending from the previous

year and 31,146 were instituted during the year. The institutions fell short by 5,467 as compared to the figures of 1939. Out of the total number of applications before the courts, 30,769 were disposed of during the year. As compared to the disposals of the previous year there was a decrease of 1,541.

All the judgeships share the fall in institutions and disposals except Fyzabad and Rae Bareli where the disposals increased by 645 and 791, respectively. The fall in institutions was most marked in Fyzabad (1,337), Gonda (957) and Rae Bareli (828). The largest decrease in disposals was at Bara Banki (778).

The stay of execution proceedings under Act X of 1937 appears to be mainly responsible for the decrease, which to some extent may also be attributed to money decrees being converted into instalment decrees.

The number of applications for execution pending at the close of the year increased by 378 to 18,219 and the number of such applications pending over three months also increased by 3,671 to 15,334. The percentage of fructuous applications before the small cause court at Lucknow was seven.

The provincial percentage of fructuous applications increased from 11 to 13 while the percentage of wholly infructuous applications decreased from 80 to 76·5. The amount realized increased from Rs.6,53,594 to Rs.7,55,809 in the year under review.

APPELLATE JURISDICTION

29. The total number of regular civil appeals instituted before the courts subordinate to the Chief Court during the year decreased by 165 to 1,453. Six judgeships shared in this decrease. The total number of regular civil appeals for disposal was 3,777 of which 3,101 were disposed of and 676 remained pending which is less (by 153) than the figures of the previous year. The total number of regular civil appeals disposed of by transfer was 1,455. During the year, the civil judges decided 1,331 civil appeals, showing an increase of 250 over the figure of the previous year. The number of regular civil appeals pending more than a year decreased by 7 to 48. The highest number of such appeals was in Fyzabad (26) and the lowest was in Unao (1). Besides the above appeals 559 rent appeals (537 by district judges and 22 by civil judges) and 320 miscellaneous appeals (207 by district judges and 113 by civil judges) were also decided. Statement no. 31.

The number of appeals summarily rejected in subordinate courts under Order XLI, rule 11 of the Code of Civil Procedure increased from 26 to 32. The highest figure has been reported from Hardoi (14) and next highest from Fyzabad (6). The Court would again impress on the appellate courts that powers vested in them under Order XLI, rule 11, Code of Civil Procedure, should be more freely exercised than hitherto.

INSOLVENCY JURISDICTION

30. The details of courts exercising insolvency jurisdiction and the number of cases disposed of by them have already been given, in an earlier portion of this note. The insolvency cases before the subordinate courts decreased from 233 to 202. The number of petitions

presented by creditors decreased from 16 to 11 and those presented by debtors from 131 to 114. The number of insolvents discharged absolutely decreased from 121 to 100 while the number of those discharged conditionally remained the same as in the previous year. The number of undischarged insolvents at the end of the year decreased from 312 to 269. The number of insolvency petitions is gradually decreasing apparently because the landlords and agriculturist-debtors are taking advantage of the Debt Legislation. The total amount of insolvents' assets realized and disbursed was Rs.28,917 and Rs.16,851 as against Rs.25,029 and Rs.18,729 in 1939.

DEBT LEGISLATION OF 1934

Agriculturists Relief Act.

31. During the year under review, 100 suits of the total value of Rs.49,656 were instituted under section 33 of the Agriculturists Relief Act showing an increase of 45 over the figures of the previous year. In all there were 168 suits for disposal, out of which 103 were decided as against 71 in 1939.

Encumbered Estates Act.

32. During the year three applications were received by the special judges from collectors. Including those pending from the previous year and those revived, the total number of such suits before the courts for disposal was 1,604 as against 2,390 in the previous year. Of these 1,071 were decided—867 in the courts of special judges, second grade and 204 in the courts of special judges, first grade. Only 533 suits were left pending at the end of the year. In order to secure the speedy disposal of these cases instructions have been issued to the special judges to give preference and pay special attention to these cases, and expedite their disposal.

Usurious Loans Act.

33. The provisions of the Usurious Loans Act (X of 1918) were applied in 130 cases by all classes of tribunals, including honorary courts but excluding district judges. In 63 cases the provisions of the Act might have been applied but were not applied. In 9,767 cases the provisions of the Act could not be applied because the cases were dismissed for default or for want of prosecution or were compromised or because the plaintiffs had themselves charged interest at reduced rates. In 5,739 cases, interest at reduced rates was charged.

GENERAL

Examination of parties.

34. The number of parties ordered to attend in person under Order V, rule 3 of the Code of Civil Procedure, increased from 52 to 121 during the year under review and the number of parties actually examined was 104 against 36 in 1939.

Examination of witnesses.

The total number of witnesses summoned decreased from 65,072 to 55,510, while the number of witnesses actually examined was 26,150 as against 28,630 in 1939. This shows that a large number of witnesses was summoned unnecessarily. It becomes necessary again to repeat the remarks made in previous years that the courts should try to prevent summoning of unnecessary witnesses.

Service of processes.

35. The number of processes served by the parties themselves under Order XVI, rule 8 of the Code of Civil Procedure, was 61,725 as against 51,428 in 1939. Those served by the process-servers decreased from 286,535 to 262,621. This decrease in the work of process-servers is mainly due to the stay of execution proceedings and to a certain extent to the fall in litigation. But the work is likely to increase with the

repeal of Act X of 1937 and the passing of the United Provinces Debt Redemption Act.

36. All the civil subordinate courts were inspected by the district judges concerned except those at Kheri and Rae Bareli. The district judge, Rae Bareli, inspected his own court and that of the civil judge, Partabgarh only. Inspection.

The Court desires to point out the desirability of regular inspections and to repeat its previous instructions regarding them. Presiding officers of the subordinate courts should inspect their own offices at least once in every quarter and district judges should inspect their own offices and all the courts subordinate to them in the manner laid down in rules 683 and 684, Oudh Civil Rules, Volume I.

CRIMINAL COURTS SUBORDINATE TO THE CHIEF COURT

37. During the year under review, the constitution and jurisdiction of the sessions courts in the Province remained the same as in the previous year. Constitution and jurisdiction.

Formerly only the civil judges of Kheri and Sultanpur *ex officio* exercised the powers of an assistant sessions judge, but during the year all the permanent civil judges in Oudh (including the additional civil judge, Gonda) were invested with the powers of an assistant sessions judge *ex officio*. They were able to help a good deal the permanent sessions and civil and sessions judges in the disposal of sessions cases. *Ex officio* Assistant Sessions Judges.

With a view to cope with the heavy rush of criminal work and in order to reduce the duration of murder cases and to remove congestion in jails, the terms of temporary courts of civil and sessions judges working at the beginning of the year had to be extended and new courts were created as noted below : Temporary courts.

CIVIL AND SESSIONS JUDGES

Place	From—	To—
Rae Bareli	30th November, 1939..	30th June, 1940.
	18th September, 1940	23rd December, 1940.
Hardoi	Throughout the year.	
Sitapur	11th August, 1939 ..	31st January, 1940.
Kheri	15th November, 1939 ..	24th April, 1940.
Lucknow	11th March, 1940 ..	30th June, 1940.
	3rd September, 1940 ..	21st December, 1940.
	(For the period from 8th May to 30th June, 1940, and from 3rd September to 21st December, 1940, the appointment was for the purpose of pay only.)	
Unao	2nd May, 1940 ..	1st July, 1940.
Bahraich	18th December, 1940..	31st December, 1940.

A post of an additional district and sessions judge was created at Rae Bareli from 22nd to 27th August, 1940, to avoid *de novo* trial of a big sessions case, which was being tried by the district judge, who was relieved by Mr. R. Gregory, I.C.S., on 28th August, 1940.

INDIAN CIVIL SERVICE OFFICERS UNDER JUDICIAL TRAINING

The following Indian Civil Service officers were under judicial training at Lucknow:

(1) Mr. R. T. Shivdasani from 6th April, 1939 to 5th October, 1940. In addition to the 66 civil regular suits decided by him, he decided seven sessions cases at Lucknow. He worked as additional sessions judge at Bara Banki throughout the vacation of 1940, but he was able to decide only three sessions cases and three criminal appeals.

(2) Mr. Hasan Zaheer, from 16th December, 1939 to 8th January, 1940.

(3) Mr. Jagat Narain, from 22nd November, 1939 to 21st February, 1940.

(4) Mr. F. G. Cracknell, from 29th February to 16th April, 1940.

(5) Mr. W. H. Pridmore, from 22nd July to 14th September, 1940.

(6) Mr. S. W. Shiveshwarkar, from 26th November up to the end of the year.

Numbers 3 to 5 were under training in the Legal Remembrancer's office and did no work on the judicial side.

Munsif—Magistrates.

Fourteen munsifs were invested with the powers of magistrate of the first class and they disposed of 412 criminal cases in addition to their regular work. The criminal work done by these munsif magistrates was satisfactory.

OFFENCES REPORTED

(THE FIGURES WITHIN BRACKETS ARE THE CORRESPONDING FIGURES FOR THE PREVIOUS YEAR.)

38. During the year 80,845 (77,652) criminal offences—23,871 (25,686) punishable under the Indian Penal Code and 56,974 (51,966) punishable under the Code of Criminal Procedure and special and local laws—were reported. Though the total number of offences increased, it is satisfactory to note that the number of offences punishable under the Indian Penal Code decreased by 1,815. All the districts except Partabgarh and Bahraich contributed to this decrease.

Offences under the Indian Penal Code, special features.

The decrease in offences under the Indian Penal Code was most marked in offences relating to the contempt of lawful authority of public servants. It was 1,008. Other offences which contributed to the decrease are: false evidence and offences against public justice, affecting

life, hurt, criminal force and assault, kidnapping, forcible abduction, slavery and forced labour and mischief. There was an increase in the number of offences under the Indian Penal Code relating to public health, safety, convenience, decency and morals, wrongful restraint and confinement, criminal breach of trust, marriage and rape.

The following table shows the increase or decrease in various offences against the human body reported during the year: the net result was a decrease of 470 cases:

Description of offences	Reported in— 1939	Reported in— 1940	Variations
Offences affecting life	665	620	—45
Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of birth	23	14	—9
Hurt	7,887	7,529	—358
Wrongful restraint and wrongful confinement	174	290	+116
Criminal force and assault	1,318	1,176	—142
Kidnapping, forcible abduction, slavery and forced labour..	315	267	—48
Rape	49	64	+15
Unnatural offences	14	15	+1

The highest number of offences affecting life (95), has been reported from Hardoi, showing an increase of 14 over the figure of the previous year. Lucknow and Bahraich recorded an increase of 9 and 5 respectively, while in Kheri, Sitapur, Fyzabad, Sultanpur, Rae Bareli, Partabgarh and Unao there was a decrease by 23, 19, 16, 6, 4, 3 and 2 respectively.

Fyzabad, Gonda and Rae Bareli are mainly responsible for the decrease in offences of hurt and Hardoi for criminal force and assault. An increase of 104 in offences of wrongful restraint and confinement was reported from Rae Bareli alone.

The offences of kidnapping and forcible abduction, etc. increased in Sultanpur by 12 but decreased in Sitapur by 25.

There was a general decrease in the number of offences against property except in the case of offences punishable under sections 398, 403 and 405 of the Indian Penal Code. The greatest decrease occurred in criminal trespass by 307 and the greatest increase in criminal breach of trust by 100. The total number of robbery and dacoity cases, however, decreased by 29. The highest number of cases of dacoity with murder was reported from Sitapur. No such case was reported from Lucknow, Sultanpur, Rae Bareli or Partabgarh: Rae Bareli reports the largest number of robbery and dacoity cases in which the offenders were

armed with deadly weapons. Offences of criminal intimidation, insult and annoyance decreased by 144 and defamation by 24.

Out of other offences the greatest increase occurred in those relating to public health, safety, convenience, decency and morals (+282), while offences against public tranquillity and marriages rose by 49 and 61 respectively.

Three cases of criminal conspiracy—two from Lucknow and one from Rae Bareli—were reported. No offence against the State army or navy was reported.

Offences under the Code of Criminal Procedure and special and local laws, special features.

The total number of cases reported under the Code of Criminal Procedure and special and local laws, including those pending from the previous year, increased from 56,400 to 61,299 and cases which came before the courts increased from 41,617 to 45,079. The number of persons under trial also increased from 57,279 to 60,822 and persons against whom orders were passed rose from 38,545 to 43,120.

The increase in offences under special and local laws was made up chiefly as follows:

Name of Act	*Increase*
Municipalities Act	1,370
Railways Act	2,091
Hackney Carriage Act	574
District Boards Act	436
Primary Education Act	345
Child Marriage Restraint Act	115
Arms Act	110
Defence of India Act	141
Excise Act	162
Defence of India Ordinance	123

The increase under the Excise Act appears to be due to the changes in the condition of sale of liquor which have led to illicit distillation among the addicts of the poorer classes, who cannot afford to purchase sealed bottles from the State-managed shops. The increase in the offences under the Defence of India Act and Ordinances is due to the Satyagrah movement started by the Congress. The highest number of offences (109) under the Arms Act was reported from Hardoi, followed by Unao (95). The Cantonments Act shows the greatest decrease 790, followed by Cattle Trespass Act 329, Cruelty to Animals Act 70 and Vaccination Act 121.

The district magistrates in the majority of cases have not assigned any reason for the increase or decrease in crimes in their districts. The Court would impress upon them the necessity of doing so in their annual reports every year.

APPLICATION OF SECTION 203 OF THE CODE OF CRIMINAL PROCEDURE

39. There was a large increase in the number of complaint cases, from 35,685 in 1939 to 39,358 in 1940. The percentage of cases dismissed under section 203 of the Code of Criminal Procedure increased

from 23 to 26. The highest percentage of dismissal has been reported from Fyzabad 49 (as against 36 in the previous year), Kheri 41 (as against 21), Gonda and Bahraich 38 each (as against 43 and 32 respectively), Sitapur, Unao, Bara Banki, Sultanpur, Rae Bareli and Partabgarh 37, 36, 35, 31, 29 and 24 (against 52, 39, 36, 36, 31 and 25, respectively). It is satisfactory to note that in these districts more attention was paid to the provisions of section 203 of the Code. The most unsatisfactory figures are those reported from Lucknow and Hardoi, viz. 3 and 10 per cent. respectively. The magistrates of these two districts apparently failed to exercise the powers vested in them under this section. As a result of this the number of false and frivolous complaints is bound to increase. The Court must impress upon the magistrates the necessity of paying more attention to the important provisions of this section. It is hoped that the next year will show a marked improvement in this respect.

Frivolous and vexatious accusations.

40. The number of persons who were awarded compensation under section 250 of the Code of Criminal Procedure decreased from 67 to 48 and the amount awarded also decreased from Rs.1,236 to Rs.785. The application of the provisions of section 250 of the Code involves little additional work, but produces a very salutary effect.

OFFENCES RETURNED AS TRUE

41. Out of the total number of cases reported 3,107 were struck off as false and 67,687 (66,872) were returned as true. The number of cases, relating to offences punishable under the Indian Penal Code returned as true, however, decreased from 17,802 to 16,833.

CASES BROUGHT TO TRIAL AND PERSONS INVOLVED

42. The total number of cases brought to trial increased from 59,129 (involving 124,210 persons) to 61,610 (involving 110,521 persons) but the number of such cases under the Indian Penal Code decreased from 17,512 (involving 66,931 persons) to 16,531 (involving 49,699 persons).

Offences affecting public health, safety, etc.

There was an abnormal increase in the number of cases relating to these offences, from 231 to 527 and the number of persons convicted also increased from 210 to 490. The highest number of offences under this head was reported from Bahraich (209 against 4 in the previous year). This increase appears to be due to the vigilance of the public health staff of that district, who are to be congratulated on the results achieved.

The increase was also shared by cases relating to following offences :

(1) False evidence from 138 (involving 208 persons) to 159 (involving 235 persons).

(2) Theft from 2,469 (involving 6,201 persons) to 2,505 (involving 6,487 persons).

(3) Criminal breach of trust from 344 (involving 499 persons to 381 (involving 531 persons).

(4) Robbery and dacoity from 297 (involving 1,591 persons) to 321 (involving 1,571 persons).

Offences affecting life.

There was a decrease in the number of cases relating to these offences from 785 to 732. As usual the highest number of cases (95) was reported from Hardoi. Next comes Sitapur with 69 followed by Lucknow 62, Unao 61, Kheri 56, Bara Banki 53, Gonda 48, Rae Bareli 46, and Bahraich 44. The lowest figures were returned from Partabgarh 21, Fyzabad 28, and Sultanpur 37.

Offences of hurt, etc.

The number of cases relating to hurt and criminal force and assault also decreased from 5,037 (involving 17,164 persons) to 4,761 (involving 16,388 persons) and 690 (involving 2,245 persons) to 619 (involving 2,060 persons) respectively. There was a decrease in the number of cases of offences of kidnapping, forcible abduction, etc. from 195 (involving 616 persons) to 166 (involving 510 persons). This is satisfactory. The cases of fraudulent deeds and disposition of property decreased from 18 (involving 87 persons) to 12 (involving 43 persons).

Statement no. 33.

43. *Courts of magistrates*—The number of persons under trial before magistrates was 109,668. Of the persons tried 46,948 were acquitted or discharged, 53,168 were convicted, 3,805 were committed to sessions and 5,619 remained under trial at the end of the year. Out of 48,848 under trial for offences under the Penal Code, 10,054 were convicted, 30,847 acquitted or discharged, 3,794 were committed to sessions, 79 died or escaped and the cases of 4,074 remained pending.

The results of trials before each class of magistrates during the year are shown below :

Class of tribunals	Acquitted or discharged	Convicted	Percentage of convictions
Stipendiary magistrates	26,511	23,330	47
Bench magistrates	12,879	15,602	55
Honorary magistrates sitting singly ..	6,157	13,155	68

Of the persons convicted 7,440 were punished with imprisonment, 41,909 with fine and 120 with whipping. In addition to these sentences 5,660 were required to give security.

The district and sub-divisional magistrates disposed of 38 cases referred to them under sections 347 and 349 of the Code of Criminal Procedure.

The number of cases decided by magistrates during the year was 59,693 against 57,545 in the previous year. The increase occurred in the courts of honorary magistrates, benches of honorary magistrates and district and sub-divisional magistrates who disposed of 2,260, 3,462 and 16 more cases respectively than in the previous year. This may be attributed to the hard work put in by the honorary magistrates. A list of honorary magistrates whose work has been specially commended by the district magistrates is appended to this note marked "G." The number of cases decided by special magistrates, stipendiary

magistrates and district magistrates decreased by 490, 3,095 and 5 respectively. This does not appear to be due to inefficiency or slackness on the part of stipendiary magistrates, but apparently to the fact that sometimes they have very little time for judicial work in consequence of communal and political disturbances.

The average duration of cases in all courts practically remained the same, viz. 11 days as it was in the previous year. The total number of cases disposed of by district magistrates was 14. The percentage of convictions under all laws decreased from 53 per cent. to 50 per cent. It may be mentioned that out of the cases and persons tried by magistrates 11,352 persons involved in 3,409 cases challaned by the police and 35,596 persons involved in 13,536 cases tried on private complaints were acquitted or discharged during the year under review.

Cases pending over six weeks.

44. The number of cases decided after more than 6 weeks increased in the magistrates' courts from 3,421 to 4,188. The Court regrets to note that Lucknow, Hardoi and Sultanpur, have failed to show any improvement in this respect during the last four years. Figures from Rae Bareli and Fyzabad are also far from satisfactory. The district magistrate, Lucknow, attributes the delay in disposal to the fact that the courts give too much latitude to the parties and their counsel, and also to the fact that evidence is recorded piecemeal by the honorary and special magistrates, resulting in several adjournments. The district magistrate of Rae Bareli, however, attributes it to the inexperience of the honorary bench and special magistrates and to a good deal of extra work on account of war and census operations on sub-divisional magistrates. The Court is inclined to accept the above reasons, and also considers the bad arrangement of cause list partly responsible for this. The district magistrates should see that the magistrates subordinate to them pay personal attention to the preparation of the cause list and avoid all unnecessary adjournments. The recording of piecemeal evidence must be discouraged.

PROCEEDINGS UNDER PREVENTIVE SECTIONS OF THE CODE OF CRIMINAL PROCEDURE

Security for keeping the peace (Provincial statement no. III).

45. The total number of persons before the courts for disposal decreased from 12,401 to 11,759. Out of these 3,475 were bound over against 2,928 in 1939, the percentage being 31 against 25 in 1939 and the cases of 675 remained pending at the close of the year. When 69 per cent. of the prisoners against whom such proceedings are started are eventually let off the futility of starting proceedings under section 107 of the Code of Criminal Procedure deserves close attention of the magistrates.

The total number of cases in which an order of acquittal or discharge was passed was 1,205 involving 7,600 persons. Out of these, 890 cases involving 5,907 persons were started on police report and the remaining 315 cases involving 1,693 persons on private complaints.

Security for good behaviour.

46. The number of persons called upon to furnish security for good behaviour increased from 2,361 to 2,185. The largest number of persons bound over was in Hardoi (344) followed by Lucknow (238) and Sitapur (222). The largest decrease was recorded in Rae Bareli from 156 to 99 followed by Fyzabad from 191 to 152 and Partabgarh from 179 to 142. Out of those who were ordered to furnish security

for more than one year five persons failed to do so with the result that their cases were referred to sessions courts, under section 123(2) of the Code of Criminal Procedure and in consequence two persons were imprisoned in default of furnishing security and the cases of the remaining three persons remained pending at the close of the year.

The number of persons who were let off was 201 in 119 cases on police reports.

47. *Courts of session*—The number of cases committed to sessions including those pending from previous year and references under section 123 of the Code of Criminal Procedure slightly decreased from 1,142 to 1,127 but the number of persons concerned rose from 4,260 to 4,658. Decisions also increased from 904 cases involving 3,309 persons to 924 cases involving 3,779 persons. Out of 3,779 persons 1,644 were convicted.

Offences affecting life.

The number of cases of offences against life before the sessions courts practically remained the same as in the previous year, being 561 against 562 in 1939, but the number of persons involved therein rose from 1,889 to 2,317. The largest increase was in Hardoi being 91 cases involving 532 persons against 73 cases involving 340 persons in the year 1939. The largest decrease was in Sitapur and Kheri, the number of cases having fallen by 13 and 10 and the number of persons involved by 68 and 24 respectively.

Offences of kidnapping.

Kidnapping cases before the sessions courts decreased from 73 in 1939 to 60. The highest figures were in Hardoi where there were 10 such cases involving 52 persons.

Offences of rape.

Cases of rape committed to sessions rose from 34 to 46 and the number of persons concerned from 50 to 79.

Offences of robbery and dacoity.

The number of commitments for robbery and dacoity decreased from 163 to 148 cases and the number of persons involved also decreased from 937 to 791.

Duration of cases.

The number of cases decided after six weeks in the courts of session also increased from 719 to 752. The increase was shared by all judgeships except Gonda. The figures in Lucknow and Unao judgeships practically remained the same as in the previous year being 57 and 72 as against 55 and 70 respectively.

The provincial average duration has gone down from 77 to 75. The largest duration being shown by Bara Banki and Rae Bareli sessions divisions 106 and 105 respectively and the shortest 52 by that of Gonda.

48. The provisions of section 565 of the Code of Criminal Procedure were applied only against 7 persons in the Sitapur judgeship.

Jurors and assessors.

49. The system of trial of sessions cases with the help of jury continued in the districts of Lucknow and Fyzabad in respect of certain offences only. One hundred and forty-six persons (as against 114 in 1939) involved in 42 cases (as against 51 in 1939) were tried with the help of jury. During the year two jury references, under section 307 of the Code of Criminal Procedure, involving two persons, were made—one by the Civil and Sessions Judge of Lucknow and the other by the Assistant Sessions Judge of Fyzabad. The verdict of the jury was set aside in both cases and the accused were convicted and sentenced by this Court.

The numberof cases tried with the aid of assessors rose from 835 to 878 and the number of persons involved in those cases increased from 3,164 to 3,636. Sessions judges agreed with the assessors in respect of 1,900 persons, disagreed from all the assessors in respect of 771 persons and differed from the opinion of one or more but not from all the assessors in respect of 965 persons. A sum of Rs.22,057 was paid to jurors and assessors as against Rs.20,728 in the previous year.

PUNISHMENT

50. The number of persons on whom sentence of death was passed by the sessions courts subject to confirmation by the Chief Court rose from 82 to 92 in the year under review. The number of persons actually executed during the year was 46 as against 34 in 1939. The number of persons sentenced to transportation for life or for any shorter term fell from 176 to 171. Courts of session (statement no. 36).

One hundred and fifty-four persons were sentenced to imprisonment exceeding seven years while those sentenced to periods between two to seven years numbered 960. Two hundred and fifty-one were sentenced for periods up to two years. The corresponding figures for 1939 were 90, 936 and 318 respectively.

51. The number of persons sentenced to various terms of imprisonment (simple and rigorous) up to two years for substantive offences decreased from 19,406 to 5,533. In addition to this 1,907 persons (as against 2,021 in 1939) were sentenced to imprisonment in default of furnishing security. In all 6,838 persons were sentenced to various terms of imprisonment, ranging from 16 days to two years showing an abnormal decrease of 13,769 over the figures of the previous year. Magistrates' courts.

52. The number of persons sentenced to imprisonment for 15 days and under both in sessions and magisterial courts fell from 823 to 601. The figures are still very high and the Court repeats the observations made in the report for 1938 in this respect and hopes that such punishment will be avoided as far as possible in future. Short-term imprisonment.

53. Sentence of solitary confinement was inflicted on 77 persons by magistrates and on seven persons by sessions judges as against 37 and 26 persons, respectively, in the previous year. The largest number of cases in which this form of punishment was awarded was reported from Lucknow, while in Kheri, Sultanpur, Fyzabad, Gonda, Rae Bareli and Partabgarh this punishment was not awarded at all. Solitary confinement

54. The total amount of fine imposed in the courts of session decreased from Rs.9,750 to Rs.7,205 but the amount of fine realized rose from Rs.1,486 to Rs.3,151. In the courts of magistrates also the amount of fines imposed decreased from Rs.4,18,713 to Rs.2,61,423 but the amount realized rose from Rs.1,58,686 to Rs.1,80,807. The amount ordered to be paid by way of compensation under section 545 of the Code of Criminal Procedure by courts of session rose from Rs.414 to Rs. 430 and in magistrates courts it fell from Rs.17,875 to Rs.13,304. Fine.

55. Since 1937 the number of persons sentenced to whipping had been gradually diminishing but this year it rose from 121 to 137. Out of every 100 cases in which the sentence of whipping could have been Whipping (Provincial statement no. IV).

legally imposed, it was awarded only in eight cases. The percentage fell from 9 to 8. The lowest percentage (·38) was in Unao and the highest (35·7) in Partabgarh. In the district of Kheri the sentence of whipping was not awarded in a single case.

There was one case at Fyzabad in which the sentence of whipping was illegally imposed and executed. A boy of about 12 years was convicted under section 7 of the Hackney Carriage Act for driving an ekka without a licence. The sub-divisional magistrate, who tried the case, punished the boy by giving three cuts with a cane on the palm of his hand in the hope that that "combined with his words of warning would prevent him from committing such an offence, again." No sentence of whipping could have been passed in the case; and its execution by the magistrate himself was illegal and irregular.

FIRST OFFENDERS

56. One thousand, nine hundred and thirty-five persons were dealt with under the United Provinces First Offenders Act as against 2,644 in 1939. Of those 1,022 were released after admonition and the remaining 913 were released on probation.

JUVENILE OFFENDERS

57. There were 153 juvenile offenders before the courts, 28 of these were whipped, 26 acquitted or discharged, 19 fined, 21 released on probation under section 4 of the United Provinces First Offenders Act (VI of 1938), 41 released after admonition under section 3 of the same Act, five discharged and eight were delivered to parents or guardians under Act VIII of 1879 and five were imprisoned, including three in whose cases the sentence of imprisonment was commuted to detention in a reformatory school.

EXAMINATION AND DETENTION OF WITNESSES

58. The number of witnesses examined in the courts of session increased from 12,514 to 14,272 but in magistrates' courts it decreased from 73,858 to 69,476. It appears to be due to the fact that in sessions trials the accused produce defence witnesses in the courts of session and not in the magistrates' courts. The number of witnesses who attended and were discharged without examination increased in the courts of session from 4,131 to 5,063 but it decreased in magistrates' courts from 13,444 to 12,648. This can be attributed to the fact that a large number of witnesses is summoned in defence but most of the witnesses are discharged. If the magistrates carefully examine and exercise better discretion in scrutinizing the list of witnesses much better results can be expected. The attention of the magistrates is drawn to this, year after year, but without any result. The Court again repeats the remarks made in last year's note and expects better result next year.

The number of witnesses detained for more than two days in magisterial courts fell from 6,146 to 5,923. In the courts of session the number of witnesses detained over two days rose from 1,342 to 1,736. This was apparently due either to the sessions cases not being taken up on the date fixed or to the sessions judges being unable to finish the witnesses summoned for any particular day. Such results generally follow from a bad arrangement of the cause list or from an incorrect

idea of time likely to be taken up by any particular sessions case or in the examination of witnesses. In the opinion of this Court if on cursory examination of the record the sessions judges form an idea of the time likely to be taken up by any particular case and the approximate number of witnesses who can be examined on one day and fix the case and summon witnesses accordingly, much better results will follow.

59. The total amount paid as diet money to witnesses was Rs. 61,612 in magisterial courts compared with Rs. 63,772 in the preceding year and Rs. 19,901 in the courts of session against Rs. 19,028.

APPEALS AND REVISIONS

60. The total number of appellants before the courts was 7,606 against 7,453 in 1939. The number of applicants for revision was 2,557 as against 3,134. In magisterial courts the number of appellants increased from 2,613 to 2,850 and in the courts of session it fell down from 4,840 to 4,756. The percentage of appeals allowed from the decisions of magistrates in the courts of session increased from 16·4 to 18·6. The percentage of such appeals against the orders of assistant sessions judges was 28·5 against 12·2. (Statement no. 34)

A statement showing the general result of trials in original criminal courts in Oudh on complaint and on police report under the Indian Penal Code, Code of Criminal Procedure, and other laws as required by G. O. no. 2006/VI—2146-1937, dated the 22nd July, 1939, as amended by G. O. no. 1222/VI—2146-1937, dated the 15th May 1940, is appended as Provincial statement no. VI.

LUCKNOW: P. L. BHARGAVA,

The 23rd July, 1941. *Registrar, Chief Court of Oudh.*

Accompaniments

Civil—Imperial statements nos. 25, 26, 27, 28, 29, 30, 31 and 32, Provincial statements nos. I and II and Provincial tables A, B, C and D.

Criminal—Imperial statements nos. 25 and 26, 33, 34, 35 and 36, Provincial statements nos. III, IV (in four parts), V and VI, and Provincial tables A, B, C, D, E, F and statements G and H.

IMPERIAL STATEMENTS

IMPERIAL STATEMENT No. 25 (CIVIL)

Showing the number of judicial divisions and the number of officers exercising original or appellate jurisdiction in the Province of Oudh, during the year 1940

Name of province		Judges of Chief Court of province	Number of districts	District Judges	Other Judges: Stipendiary	Other Judges: Honorary	Remarks
1		2	3	4	5	6	7
Territory subject to the Chief Court of Oudh.	1940	(a) 5	12	(b) 9	(c) 55	(d) 6	
	1939	5	12	9	57	28	

N.B.—The above figures include all permanent and temporary officers who worked throughout the year.

N.B.—Besides the above there were 1,133 village panchayats in 1940. Of these 129 did purely civil work, 97 did purely criminal work, 785 did both civil and criminal work and 122 did no work at all.

(*a*) Includes an Additional Judge.
(*b*) Did both civil and criminal work.
(*c*) Thirty-six did civil and criminal work, one did criminal work only and the rest did civil work only.
(*d*) Includes two benches (one bench was abolished from the 21st February, 1940.)

IMPERIAL STATEMENT No. 26 (CIVIL)

Showing the number of cases decided in the courts of the province of Oudh, during the year 1940

Name of province		Total number of cases decided: Original: Regular	Original: Miscellaneous	Appellate: Regular	Appellate: Miscellaneous
1		2	3	4	5
Territory subject to the Chief Court of Oudh.	1940	*34,341	*37,792	*2,087	*852
	1939	38,869	39,962	1,948	716

*These include original regular suits and miscellaneous cases as well as appeals and revisions decided by the Chief Court as shown in statements nos. 29 to 32 as well as in Provincial statement no. I. In addition to these, other cases decided by the Chief Court in the year are shown below:

(1) Nineteen applications for leave to appeal to His Majesty in Privy Council.
(2) Seventeen appeals against appellate decrees made by a single judge of the Chief Court to a bench under section 12(2), Oudh Courts Act, 1925 (Act IV of 1925), United Provinces.
(3) Six applications under section 75 of the Provincial Insolvency Act.
(4) Twenty-seven review applications.
(5) Eight Full Bench references.
(6) Thirty-two references for rulings.
(7) One thousand and one-hundred miscellaneous applications.
(8) Twenty applications under section 46 of the United Provinces Encumbered Estates Act.
(9) Two applications under section 276 of the United Provinces Tenancy Act.
(10) Three applications under section 66 of the Indian Income Tax Act, XI of 1922.

IMPERIAL STATEMENT No. 27 (CIVIL)

Showing the number and description of civil suits instituted in the civil courts of the Province of Oudh, during the year 1940

Class of courts	Suits for money or movable property	Title and other suits: Suits for immovable property	Title and other suits: Suits for specific relief	Title and other suits: Mortgage suits	Title and other suits: Other suits not falling under any of the preceding heads	Total
1	2	3	4	5	6	7
COURTS IN THE INTERIOR						
Civil courts						
Unpaid tribunals	324	..	..	..	..	324
Paid sub-divisional tribunals ..	1,641	2,705	366	1,073	1,883	7,668
Small cause courts	21,868	..	..	..	..	21,868
District courts other than chief courts of districts.	125	77	88	117	144	501
Chief courts of districts ..	..	..	..	..	7	7
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
Superior court	..	..	..	..	8	8
Total .. 1940 ..	23,958	2,782	404	1,190	2,042	30,376
Total .. 1939 ..	28,376	3,397	450	1,276	1,844	35,343

IMPERIAL STATEMENT No. 28 (CIVIL)

Showing the number and value of suits instituted in civil courts of the province of Oudh, during the year 1940

Class of courts	Number of suits instituted: Value not exceeding Rs.10	Value Rs.10 to Rs.50	Value Rs.50 to Rs.100	Value Rs.100 to Rs.500	Value Rs.500 to Rs.1,000	Value Rs.1,000 to Rs.5,000	Value above Rs.5,000	Number of suits the value of which cannot be estimated in money	Total number of suits instituted	Total value of suits
1	2	3	4	5	6	7	8	9	10	11
COURTS IN THE INTERIOR										Rs.
Civil courts										
Unpaid tribunals ..	21	151	72	80	..	..	..	..	324	22,664
Paid sub-divisional tribunals.	718	1,858	1,239	2,484	886	481	2	..	7,668	21,59,133
Small cause courts ..	1,373	9,223	5,446	5,667	159	..	..	..	21,868	20,35,392
District courts other than chief courts of districts.	..	1	..	..	3	329	168	..	501	80,35,494
Chief courts of districts	..	..	..	..	..	5	1	1	7	26,685
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT										
Superior court ..	..	..	..	..	..	..	..	8	8	..
Total .. 1940 ..	2,112	11,233	6,757	8,231	1,048	815	171	9	30,376	1,22,79,363
Total .. 1939 ..	2,238	12,936	8,323	9,847	1 028	796	171	4	35,343	1,31,05,612

IMPERIAL STATEMENT

Showing the general results of trial of civil cases in Courts of Original

Civil

Class of courts	Number of suits before the courts					Number of				
						Without trial			*Ex parte*	
	Pending at the beginning of the year	Instituted during the year	Revived during the year	Otherwise received	Total	Dismissed under Order IX, rule 8 and under Order IX, rule 8 of the Code of Civil Procedure, where the defendant does not admit claim	Otherwise	Average duration	Number	Average duration
1	2	3	4	5	6	7(*a*)	7(*b*)	8	9	10
COURTS IN THE INTERIOR										
Civil courts										
Unpaid tribunals ..	107	324	27	237	695	79	34	67	112	79
Paid sub-divisional tribunals.	3,624	7,668	868	1,425	13,585	672	581	128	742	91
Small cause courts ..	3,497	21,868	506	1,651	27,522	2,421	838	54	5,607	50
District courts other than chief courts of districts.	779	501	132	661	2,073	43	53	299	37	168
Chief courts of districts ..	76	7	1	78	162	4	8	77	4	137
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.										
Superior court ..	6	8	..	..	14	1	1	200	1	169
Total .. 1940	8,089	30,376	1,534	4,052	44,051	3,220	1,515	79	6,503	56
Total .. 1939	10,299	35,343	1,200	8,702	55,544	3,847	1,557	108	7,156	61

No. 29 (CIVIL)

Jurisdiction in the Province of Oudh, during the year **1940**

Suits

suits disposed of													
On admission of claim		Compromised		After full trial			On reference to arbitration		By transfer		Pending at the close of the year	Pending for more than a year	Remarks
Number	Average duration	Number	Average duration	Judgment for plaintiff	Judgment for defendant	Average duration	Number	Average duration	Number	Average duration			
11	12	13	14	15	16	17	18	19	20	21	22	23	24
109	47	164	61	112	14	114	7	145	32	110	32	..	
426	88	1,604	97	3,673	1,398	202	137	172	1,548	82	2,809	396	
5,505	40	4,870	44	3,546	615	61	67	83	1,833	32	2,220	37	
33	177	109	163	448	186	310	23	171	412	155	729	355	
4	29	21	136	17	15	101	..	..	87	52	2	..	
..	..	..	..	3	2	474	..	..	1	696	5	1	
6,077	45	6,768	59	7,799	2,225	149	234	146	3,913	66	5,797	789	
6,915	50	7,739	60	9,268	2,154	171	233	107	8,585	52	8,089	1,213	

IMPERIAL STATEMENT

Showing the general results of trial of civil cases in courts of Original

Miscellaneous

Class of courts	Number of suits before the courts: Pending at the beginning of the year	Instituted during the year	Revived during the year	Otherwise received	Total	Number of: Without trial: Dismissed under Order IX, rule 3 and under Order IX, rule 8 of the Code of Civil Procedure, when the defendant does not admit the claim	Otherwise	Average duration	Ex parte: Number	Average duration
1	2	3	4	5	6	7(a)	7(b)	8	9	10
COURTS IN THE INTERIOR										
Civil courts										
Unpaid tribunals ..	5	46	..	..	51	8	..	83	10	18
Paid sub-divisional tribunals.	665	2,675	47	20	3,407	356	337	58	474	37
Small cause courts ..	284	2,034	16	21	2,355	289	253	40	394	16
District courts other than chief courts of districts.	435	1,264	21	332	2,052	202	145	95	476	69
Chief courts of districts	109	620	1	5	735	40	73	62	92	38
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT										
Superior court ..	2	5	..	..	7	..	2	2,019	1	1
Total .. 1940 ..	1,500	6,644	85	378	8,607	895	810	63	1,447	42
Total .. 1939 ..	1,559	7,503	57	415	9,534	1,031	1,031	65	1,745	41

No. 30 (CIVIL)

Jurisdiction in the Province of Oudh, during the year 1940

Cases

suits disposed of													
On admission of claim		Compromised		After full trial			On reference to arbitration		By transfer		Pending at the close of the year	Pending for more than a year	Remarks
Number	Average duration	Number	Average duration	Judgment for plaintiff	Judgment for defendant	Average duration	Number	Average duration	Number	Average duration			
11	12	13	14	15	16	17	18	19	20	21	22	23	24
8	62	7	42	9	2	100	..	..	1	43	6	..	
333	55	196	77	811	434	61	8	34	15	113	443	26	
212	43	107	62	576	211	53	2	63	19	89	292	10	
238	79	49	114	320	178	101	1	437	76	116	367	55	
43	56	9	102	58	47	124	..	..	256	3	117	37	
..	..	..	..	2	..	58	..	..	..	..	2	..	
834	59	368	77	1,776	872	69	11	76	367	36	1,227	128	
802	54	321	66	1,655	1,034	74	16	167	399	41	1,500	130	

IMPERIAL STATEMENT

Showing the business of civil appellate courts in the

Appeals from

Class of courts	Number of appeals before the courts: Pending at the beginning of the year	Instituted and re-instituted during the year	Otherwise received	Total	Number of — Dismissed or not prosecuted: Number	Average duration
1	2	3	4	5	6	7
COURTS IN THE INTERIOR						
APPEALS FROM ORIGINAL DECREES						
Civil courts						
District appellate courts other than chief courts of districts.	638	406	1,451	2,495	51	139
Chief appellate courts of districts	(a) 195	1,070	17	1,282	44	71
Total ..	833	1,476	1,468	3,777	95	108
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
Chief Court of province. — Appeals from original decrees (Civil).	379	153	..	532	32	425
Chief Court of province. — Appeals from appellate decrees (Civil).	940	473	..	1,413	29	706
Total ..	1,319	626	..	1,945	61	559
GRAND TOTAL .. 1940 ..	(a) 2,152	2,102	1,468	5,722	156	284
GRAND TOTAL .. 1939 ..	1,914	2,172	1,252	5,338	132	311

(a) Includes 4 appeals received from Miscellaneous side.

No. 31 (CIVIL)

Province of Oudh, during the year 1940

Decrees

appeals disposed of					By transfer				
Confirmed	Modified	Reversed	Remanded for retrial	Average duration of appeals in columns 8, 9, 10 and 11	Number	Average duration	Pending at the close of the year	Pending for more than a year	Remarks
8	9	10	11	12	13	14	15	16	17
801	190	210	79	128	664	104	500	29	
165	33	58	15	211	791	9	176	19	
966	223	268	94	142	1,455	52	676	48	
35	10	9	2	1,119	..	..	444	300	
259	17	42	6	919	..	..	1,060	616	
294	27	51	8	949	..	..	1,504	916	
1,260	250	319	102	301	1,455	52	2,180	964	
1,154	260	312	90	305	1,242	80	2,148	865	

IMPERIAL STATEMENT

Showing the business of civil appellate courts of the

Miscellaneous

Class of courts	Number of appeals before the courts: Pending at the beginning of the year	Instituted and re-instituted during the year	Otherwise received	Total	Number of: Dismissed or not prosecuted: Number	Average duration
1	2	3	4	5	6	7
COURTS IN THE INTERIOR						
Civil courts						
District appellate courts other than chief courts of districts.	37	51	118	206	9	64
Chief appellate courts of districts ..	(a) 117	280	6	403	33	132
Total ..	154	331	124	609	42	117
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT						
Chief Court of province. — Appeals from original decrees (Civil).	300	97	..	397	43	732
Chief Court of province. — Appeals from appellate decrees (Civil).	73	33	..	106	6	332
Chief Court of province. — Applications for revision under section 115, Act V of 1908.	550	234	..	784	71	611
Total ..	923	364	..	1,287	120	641
GRAND TOTAL .. 1940 ..	(a) 1,077	695	124	1,896	162	505
GRAND TOTAL .. 1939 ..	952	845	80	1,877	108	418

(a) Excludes 4 appeals transferred to regular side.

No. 32 (CIVIL)

Province of Oudh, during the year 1940

Appeals

appeals disposed of									
					By transfer				
Confirmed	Modified	Reversed	Remanded for retrial	Average duration of appeals in columns 8, 9, 10 and 11	Number	Average duration	Pending at the close of the year	Pending for more than a year	Remarks
8	9	10	11	12	13	14	15	16	17
65	9	24	6	97	45	57	48	1	
126	10	29	9	185	75	18	121	16	
191	19	53	15	152	120	33	169	17	
64	3	21	6	685	..	..	260	175	
18	..	6	2	697	..	..	74	46	
211	22	35	24	601	..	..	421	255	
293	25	62	32	627	..	..	755	476	
484	44	115	47	435	120	33	924	493	
403	39	117	49	842	80	33	1,031	540	

PROVINCIAL STATEMENTS

PROVINCIAL STATEMENT

[Same as Imperial Judicial Statement no. XI (Civil) prescribed by Government of India,

Showing the result of proceedings on applications for execution of

Class of courts	Total number of applications for execution before the courts	Applications disposed of				Pending at the end of the year	Number of applications pending more than three months at the close of the year	Amount realized	
		By transfer	Satisfaction obtained in full	Satisfaction obtained in part	Wholly infructuous			With the issue of process	Without the issue of process
1	2	3	4	5	6	7	8	9	10
COURTS IN THE INTERIOR								Rs.	Rs
Civil courts									
Unpaid tribunals ..	291	5	1	2	26	257	236	112	..
Paid sub-divisional tribunals.	13,145	1,206	2,350	842	4,847	3,900	2,895	1,98,701	10,762
Small cause courts ..	33,019	1,972	1,040	1,749	15,135	13,123	11,434	1,15,698	5,244
District courts other than chief courts of districts	2,502	319	255	146	848	934	767	3,09,775	1,13,735
Chief courts of districts.	31	3	8	6	9	5	2	1,782	..
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.									
Superior court ..	25	..	..	1	9	15	15	..	..
Total .. 1940 ..	49,013	3,505	3,654	2,746	20,874	18,234	15,349	6,26,068	1,29,741
Total .. 1939 ..	50,187	1,447	3,516	2,617	24,747	17,860	11,679	6,24,472	29,123

No. I—(CIVIL)

Home Department, resolution no. 9-Judicial/675—687, dated the 20th May, 1892]

decrees of civil courts in the Province of Oudh, during the year 1940

Number of applications

On which judgment-debtor was imprisoned	On which he was arrested but released without imprisonment	On which movable property —		On which immovable property—			On which possession was given		On which specific performance was enforced	On which partition was effected	On which execution was effected otherwise than in the preceding columns
		Was sold	Was attached but subsequently released	Was sold	Was dealt with under Order XXI, rule 83, paragraph 2, schedule 3 or section 72, Act V of 1908	Was attached but subsequently released under Order XXI, rule 55, Act V of 1908	Of movables	Of immovables			
11	12	13	14	15	16	17	18	19	20	21	22
..	..	..	1	1	..	..	..	..	..	..	7
..	3	64	536	123	33	141	4	1,736	8	..	2,358
1	10	148	1,096	..	..	..	..	..	12	..	3,240
..	1	10	73	32	8	25	..	100	2	3	474
..	..	..	1	..	1	1	..	7	..	..	5
..	..	..	..	..	..	..	..	..	..	..	..
1	14	222	1,707	156	42	167	4	1,843	22	3	6,084
5	21	208	2,153	182	35	141	12	1,806	20	6	4,811

PROVINCIAL STATEMENT No. II—(CIVIL)

[Same as Imperial Judicial Statement no. XII (Civil) prescribed by the Government of India, Home Department, resolution no. 18/1074—85, dated the 9th August, 1884]

Proceedings in insolvency under Act V of 1920 *in the districts of the Province of Oudh, during the year* 1940 *for declaration of insolvency and the number of insolvents before the courts*

Class of courts	Applications for a declaration of insolvency								Number of insolvents discharged during the year under section 41	Number of insolvents' estate in the hands of receivers in which proceedings were finally closed during the year	Amount of creditor's claim dealt with during the year		Gross amount of insolvents' assets realized and disbursed	
	Total number of applications	Transferred to another province, withdrawn, etc.	Granted		Rejected			Pending at the close of the year						
			A receiver being appointed	A receiver not being appointed	Penal proceedings under section 69 not being taken	Sentence of imprisonment being passed under section 69	Applicant being sent to the magistrate to be dealt with				Admitted	Satisfied	Realized during the year	Disbursed during the year
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
											Rs.	Rs.	Rs.	Rs.
Courts other than chief courts of districts.	132	26	14	56	3	..	..	33	77	44	85,943	8,457	14,418	13,746
Chief courts of districts.	70	2	6	10	10	..	..	42	29	13	16,320	1,678	14,499	3,105
Total : 1940	202	28	20	66	13	..	..	75	106	57	1,02,263	10,135	28,917	16,851
Total : 1939	233	30	25	81	18	..	..	77	127	41	1,34,333	20,435	25,029	18,729

IMPERIAL STATEMENTS

STATEMENTS Nos. 25 AND 26 (CRIMINAL)

Showing the number of judicial divisions and the number of officers exercising original or appellate jurisdiction and the number of criminal cases decided in the Province of Oudh, during the year 1940

Name of province		Judges of Chief Court of province	Number of sessions divisions	Number of districts	Sessions Judges	Other Judges	District Magistrates	Other magistrates		Total number of cases decided			
								Stipendiary	Honorary	Original		Appellate	
										Regular	Miscellaneous	Regular	Miscellaneous
1		2	3	4	5	6	7	8	9	10	11	12	13
Territory subject to the Chief Court of Oudh.	1940	(a) 5	8	12	(b) 14	(c) 20	12	110	(d) 81	60,615	4,977	3,473	669
	1939	5	8	12	12	20	12	124	153	58,437	5,225	4,249	977

(a) Includes an additional judge.
(b) Thirteen did both civil and criminal work and one did criminal work only.
(c) Did both civil and criminal work.
(d) Includes 41 benches.

N. B.—Besides the above there were 1,133 village panchayats in 1940, of these 129 did purely civil work, 97 did purely criminal work, 785 did both civil and criminal work and 122 did no work at all.

STATEMENT No. 33 (CRIMINAL)

Showing the general result of trials in the tribunals of various classes in the Province of Oudh, during the year 1940

Class of courts		Number of offences reported	Number of persons under trial	Persons whose cases were disposed of: Discharged or acquitted	Convicted	Committed or referred	Died, escaped or transferred to another province	Persons under trial at the end of the year
1		2	3	4	5	6	7	8
Subordinate Magistrates.	Special magistrates under section 14.	87,320	2,961	1,367	1,017	370	(a) 16	191
	Honorary magistrates sitting singly.		21,133	6,157	13,155	708	(b)14	1,099
	Stipendiary magistrates sitting singly.		55,270	26,511	23,330	2,725	(c)76	2,628
	Benches of honorary magistrates.		30,204	12,879	15,602	..	(d)22	1,701
District and divisional magistrates. Cases referred under sections 347 and 349 of the Code of Criminal Procedure.			67	9	58	..	..	..
Chief Magistrates of districts ..			33	25	6	2	..	..
Total ..	1940 ..	87,320	1,09,668	46,948	53,168	3,805	128	5,619
	1939 ..	84,247	1,23,456	49,559	63,971	3,506	144	6,276
Courts of Session ..	1940 ..	..	4,658	2,133	1,644	2	7(e)	872
	1939 ..	..	4,260	1,666	1,643	..	8	943
GRAND TOTAL ..	1940 ..	87,320	1,14,326	49,081	54,812	3,807	135	6,491
	1939 ..	84,247	1,27,716	51,225	65,614	3,506	152	7,219

	Died	Escaped
(a)	11	5
(b)	11	3
(c)	47	29
(d)	21	1
(e)	7	..

STATEMENT No. 34 (CRIMINAL)

Showing the result of appeals and applications for revision in criminal courts in the Province of Oudh, during the year 1940

Tribunals	Number of persons							
	Number of appellants and applicants for revision before the courts	Appeals or applications rejected	Sentences or orders confirmed	Sentences altered	Sentences reversed	Otherwise disposed of	Died, escaped or transferred to another province	Pending trial
1	2	3	4	5	6	7	8	9
Appeals								
To Chief Magistrates of districts ..	2,850	223	812	419	952	59	..	385
To Sessions Courts	4,756	1,481	1,247	483	791	98	2*	654
Superior Court. By persons convicted ..	1,297	276	533	107	175	16	..	190
Superior Court. By Government ..	37	..	2	7	14	..	..	14
Total .. 1940 ..	8,940	1,980	2,594	1,016	1,932	173	2*	1,243
Total .. 1939 ..	8,472	2,603	1,966	885	1,675	150	1	1,192
Revisions								
By Chief Magistrates of districts	817	649	..	..	30	91	..	47
By Courts of Session	1,740	1,301	..	..	16	145	..	278
By Superior Court	796	137	242	92	86	117	..	122
Total .. 1940 ..	3,353	2,087	242	92	132	353	..	447
Total .. 1939 ..	3,888	2,585	247	84	205	402	..	365

* Two died.

STATEMENT No. 35 (CRIMINAL)

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1940

Description of offence	Number of offences reported— In and pending from previous year	Number of offences reported— During the year	Number of cases returned as true of offences reported— In and pending from previous year	Number of cases returned as true of offences reported— During the year	Number of cases brought to trial during the year	Number of persons— Under trial during the year, including pending from previous year	Number of persons— Acquitted or discharged	Number of persons— Convicted	Number of persons— Died, escaped or transferred to another province— Died	Escaped	Transferred	Number of persons— Remaining under trial	Number of complainants dealt with under section 250 of the Code of Criminal Procedure
1	2	3	4	5	6	7	8	9	10			11	12
Offences under the Indian Penal Code													
Criminal conspiracy, Chapter VA.	..	3	..	1	1	1	..	1	..	..	..	..	..
Offences against the State, Chapter VI.	1	..	1	..	1	1	..	1	..	..	..	..	..
Offences relating to the Army, Navy and Air Force, Chapter VII.	..	..	..	..	..	..	..	..	..	..	..	..	..
Offences against the public tranquillity, Chapter VIII.	109	667	97	569	620	4,368	2,153	1,608	3	4	..	600	1
Offences by or relating to public servants, Chapter IX.	11	31	9	22	26	74	24	45	..	..	..	5	..
Offences relating to elections, Chapter IXA.	1	6	1	6	7	12	4	8	..	..	..	..	..
Contempt of the lawful authority of public servants, Chapter X.	91	692	85	671	693	1,097	321	740	1	3	..	32	..
False evidence and offences against public justice, Chapter XI.	29	163	29	141	159	235	92	99	1	1	..	42	..
Offences relating to coins and Government Stamps, Chapter XII.	2	16	2	14	21	30	8	11	..	..	..	11	..
Offences relating to weights and measures, Chapter XIII.	..	5	..	5	5	6	1	5	..	..	..	..	..
Offences affecting the public health, safety, convenience, decency and morals, Chapter XIV.	7	541	7	534	527	592	93	490	..	..	..	9	..
Offences relating to religion, Chapter XV.	13	55	11	36	37	152	132	15	..	..	..	5	..

STATEMENT No. 35 (CRIMINAL)

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1940—(continued)

	Description of offence	Number of offences reported— In and pending from previous year	Number of offences reported— During the year	Number of cases returned as true of offences reported— In and pending from previous year	Number of cases returned as true of offences reported— During the year	Number of cases brought to trial during the year	Number of persons— Under trial during the year, including pending from previous year	Number of persons— Acquitted or discharged	Number of persons— Convicted	Number of persons— Died, escaped or transferred to another province: Died	Escaped	Transferred	Number of persons— Remaining under trial	Number of complainants dealt with under section 250 of the Code of
	1	2	3	4	5	6	7	8	9	10			11	12
	Offences under the Indian Penal Code—(continued)													
Offences affecting the human body, Chapter XVI.	1. Offence affecting life.	79	620	63	593	732	2,883	1,287	907	10	9	..	670	..
	2. Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of births.	..	14	..	13	14	17	8	10	..		..	4	..
	3. Hurt ..	620	7,529	530	5,107	4,761	16,388	12,616	{2,819	18	7	..	1,428	
	4. Wrongful restraint and wrongful confinement.	21	290	30	191	184	5	342	149	..	1	..	56	..
	5. Criminal force and assault.	84	1,17€	63	708	619	2,060	1,750	197	1	1	...	111	
	6. Kidnapping, forcible abduction slavery and forced labour.	32	267	30	151	166	510	334	92	1	1	..	82	..
	7. Rape ..	7	64	7	53	63	103	46	46	..	..	..	11	..
	8. Unnatural offence	5	15	5	14	17	20	7	11	..	..	..	2	..
Offences against property, Chapter XVII.	1. Theft ..	273	3,040	250	2,435	2,505	6,487	4,059	1,948	8	2	..	470	
	2. Extortion ..	11	146	7	69	57	163	145	8	..	..	..	10	..
	3. Robbery and dacoity.	29	299	24	250	321	(a)1,571	707	507	1	..	..	355	..
	4. Criminal misappropriation of property.	6	82	4	56	51	77	53	16	..	..	..	8	..
	5. Criminal breach of trust.	75	582	63	400	381	531	339	100	1	1	..	90	
	6. Receiving or habitually dealing in stolen or plundered property.	11	205	11	197	206	342	117	207	..	..	..	18	..

(a) Includes one person whose case was referred to Chief Court under section 307 of the Code [of] Criminal Procedure. This person is not included in any of the columns 8 to 12.

STATEMENT No. 35 (CRIMINAL)

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1940—(continued)

Description of offence	Number of offences reported— In and pending from previous year	Number of offences reported— During the year	Number of cases returned as true of offences reported— In and pending from previous year	Number of cases returned as true of offences reported— During the year	Number of cases brought to trial during the year	Number of persons— Under trial during the year, including pending from previous year	Number of persons— Acquitted or discharged	Number of persons— Convicted	Number of persons— Died, escaped or transferred to another province: Died	Escaped	Transferred	Number of persons— Remaining under trial	Number of complainants dealt with under section 250 of the Code of Criminal Procedure
1	2	3	4	5	6	7	8	9	10			11	12
Offences under the Indian Penal Code—(concluded)													
Offences against property, Chapter XVII—(*concld.*). 7. Cheating ..	58	504	48	297	282	521	365	89	2	..	..	65	..
8. Fraudulent deeds and disposition of property.	1	18	1	14	12	43	35	8	..	..	..	..	..
9. Mischief ..	84	954	65	583	561	2,065	1,707	208	2	..	..	148	..
10. Criminal trespass.	293	3,166	252	2,358	2,343	(*a*)5,941	3,729	1,737	2	2	..	470	8
Offences relating to documents and trade or property marks, Chapter XVIII.	11	43	6	16	22	42	33	3	..	..	..	6	..
Criminal breach of contracts of service, Chapter XIX.	..	3	..	2	1	1	..	1	..	..	..	..	..
Offences relating to marriage, Chapter XX.	121	1,936	95	922	782	1,782	1,593	48	2	..	..	139	4
Defamation, Chapter XXI.	28	296	21	170	155	384	298	23	1	..	..	62	..
Criminal intimidation, insult and annoyance, Chapter XXII.	37	443	29	235	199	652	586	35	..	..	..	31	..
Total under the Indian Penal Code. 1940	2,150	23,871	1,846	16,833	16,531	49,699	32,979	11,692	54	32	..	4,940	44
Total under the Indian Penal Code. 1939	2,161	25,686	1,703	17,802	17,512	66,931	34,316	27,069	66	27	..	5,453	61
Code of Criminal Procedure, 1898													
Chapter VIII. Sections 107, 112 to 119—Security for keeping the peace.	244	2,732	210	1,905	1,845	11,720	7,600	3,436	8	1	..	675	..
Chapter VIII. Sections 108, 109, 110, 112 to 119—Security for good behaviour.	70	1,532	69	1,526	1,577	2,505	201	2,182	1	..	..	121	..
Special and Local Laws													
Adulteration of Food and Drugs (Prevention) Act VI of 1912 (U. P.)	29	479	26	476	479	491	37	428	2	..	..	24	..
Ancient Monuments Preservation Act, VII of 1904	..	4	..	4	4	4	1	3	..	..	..	..	..

(*a*) Includes one person whose case was referred to Chief Court under section 307 of the Code of Criminal Procedure. This person is not included in any of the columns 8 to 12.

STATEMENT No. 35 (CRIMINAL)

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1940—(continued)

Description of offence	Number of offences reported— In and pending from previous year	Number of offences reported— During the year	Number of cases returned as true of offences reported In and pending from previous year	Number of cases returned as true of offences reported During the year	Number of cases brought to trial during the year	Number of persons— Under trial during the year, including pending from previous year	Number of persons— Acquitted or discharged	Number of persons— Convicted	Number of persons— Died, escaped or transferred to another province: Died	Escaped	Transferred	Number of persons— Remaining under trial	Number of complainants dealt with under section 250 of the Code of Criminal Procedure
1	2	3	4	5	6	7	8	9	10			11	12
Special and Local Laws—(continued)													
Arms Act XI of 1878 ..	24	320	24	319	334	410	82	311	1	..	..	16	..
Births, Deaths and Marriage Registration Act VI of 1886.	..	5	..	5	5	5	4	1	..	..	..	..	..
Boilers, Indian——Act V of 1923.	..	1	..	..	..	..	..	..	..	..	..	..	..
Canal and Drainage, Northern India——Act VIII of 1873.	16	483	16	475	478	1,276	572	664	8	..	..	32	..
Cantonments Act II of 1924.	77	977	77	977	580	583	191	391	..	..	..	1	..
Cattle Trespass Act I of 1871.	29	649	22	369	303	1,022	803	111	..	..	..	108	..
Child Marriage Restraint Act XIX of 1929.	4	358	3	240	225	477	245	206	..	..	..	26	..
Cinematograph Act II of 1918.	..	3	..	3	3	6	..	2	..	..	..	4	..
Contempt of Courts Act XII of 1926.	1	1	1	1	2	2	2	..	..	..	..	..	..
Criminal Tribes Act VI of 1924.	32	602	23	562	563	583	11	540	1	3	..	28	..
Cruelty to Animals, Prevention of——Act XI of 1890.	184	607	184	607	533	540	6	534	..	..	..	..	..
Dangerous Drugs Act II of 1930.	1	3	1	3	4	5	..	5	..	..	..	..	..
District Boards Act X of 1922 (U. P.).	55	2,095	48	1,925	1,890	1,981	456	1,501	4	..	..	20	..
Defence of India Ordinance no. V of 1938.	..	125	..	125	123	140	20	119	..	..	..	1	..
Dramatic Performance Act XIX of 1876.	..	1	..	1	1	1	..	1	..	..	..	..	..

STATEMENT No. 35 (CRIMINAL)

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1940—(continued)

Description of offence	Number of offences reported—		Number of cases returned as true of offences reported		Number of cases brought to trial during the year	Number of persons—							Number of complainants dealt with under section 250 of the Code of Criminal Procedure
	In and pending from previous year	During the year	In and pending from previous year	During the year		Under trial during the year, including pending from previous year	Acquitted or discharged	Convicted	Died, escaped or transferred to another province			Remaining under trial	
									Died	Escaped	Transferred		
1	2	3	4	5	6	7	8	9	10			11	12
ecial and Local Laws—(continued)													
efence of India Act XXXV of 1939.	..	142	..	141	140	162	5	145	..	..	..	12	..
ntertainment and Betting Tax Act VIII of 1937 (U. P.).	..	3	..	3	2	3	2	1	..	..	..	..	..
xoise Act IV of 1910 (U. P.).	186	2,006	183	2,005	2,126	2,657	580	1,957	4	..		116	..
xplosives Act IV of 1884	..	1	..	1	1	2	..	..	..	..	..	2	..
'actories Act XII of 1911	2	13	2	11	13	18	4	14	..	..	..	..	..
'erries, Northern India —Act XVII of 1878.	2	6	2	6	8	13	3	10	..	..	..	..	..
orests Act XVI of 1927	..	3	..	3	3	3	1	2	..	..	..	..	..
ambling, Public——Act III of 1867.	29	218	29	217	240	1,730	224	1,340	1	1	..	164	..
ackney Carriage Act XIV of 1879.	835	4,502	835	4,330	3,732	3,762	578	3,179	..	..	..	5	..
nsolvency (Provincial) Act V of 1920.	..	1	..	1	..	..	..	..	..	..	..	..	..
edical Act III of 1917..	..	1	..	1	1	1	..	1	..	..	..	..	..
otor Vehicles Act VIII of 1914.	68	787	68	780	782	928	175	701	..	..	..	52	..
otor Vehicle Taxation Act VI of 1923 (U. P.).	4	15	4	15	12	12	..	10	..	..	..	2	..
unicipalities Act II of 1916 (U. P.).	1,637	16,915	1,585	15,363	12,797	13,005	3,500	9,455	3	..	..	47	..
pium Act I of 1878 ..	16	46	16	46	48	63	11	51	1	..	..	..	..
pium Smoking Act II of 1925 (U. P.).	18	54	18	54	69	237	14	212	2	1	..	8	..
ayment of Wages Act IV of 1936.	1	..	1	..	1	3	3	..	..	..	..	..	..

STATEMENT No. 35 (CRIMINAL)

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1940—(continued)

Description of offence	Number of offences reported— In and pending from previous year	Number of offences reported— During the year	Number of cases returned as true of offences reported— In and pending from previous year	Number of cases returned as true of offences reported— During the year	Number of cases brought to trial during the year	Number of persons— Under trial during the year, including pending from previous year	Number of persons— Acquitted or discharged	Number of persons— Convicted	Number of persons— Died, escaped or transferred to another province— Died	Escaped	Transferred	Number of persons— Remaining under trial	Number of complainants
1	2	3	4	5	6	7	8	9	10			11	
Special and Local Laws— *(continued)*													
Petroleum Act VIII of 1899.	..	2	..	2	2	3	2	1	..	..	..	..	
Poisons Act XII of 1919 ..	1	1	1	1	2	2	..	2	..	..	..	..	
Police Act V of 1861 ..	488	12,839	460	12,706	11,564	11,734	145	11,529	2	..	..	58	
Post Office Act VI of 1898	..	2	..	2	2	2	..	2	..	..	..	..	
Press and Registration of Books Act XXV of 1867.	..	2	..	2	1	1	..	1	..	..	..	..	
Press (Emergency Powers) Act XXIII of 1931.	..	8	..	3	3	4	..	4	..	..	..	..	
Primary Education Act VII of 1919 (U. P.), Supplement to Municipalities Act II of 1916 (U. P.).	151	999	147	909	782	784	225	557	2	..	..	..	
Primary Education, District Boards——Act I of 1926 (U. P.), Supplement to District Boards Act X of 1922 (U. P.).	62	1,142	62	1,128	828	828	176	649	1	..	..	2	
Prisons Act IX of 1894 ..	..	1	..	1	1	2	..	2	..	..	..	..	
Prisoners Act III of 1900	..	6	..	6	6	10	1	9	..	..	..	..	
Railways Act IX of 1890	14	4,868	14	2,209	1,643	1,716	70	1,636	..	..	..	10	
Registration Act XVI of 1908.	..	1	..	1	..	..	..	..	..	..	..	..	
Sanitation, Village—— Act II of 1892 (U. P.).	..	55	..	55	44	50	4	42	..	..	..	4	
Stage Carriages Act XVI of 1861.	17	408	16	401	414	417	18	398	..	..	..	1	
Stamp Act II of 1899 ..	26	370	24	359	314	351	33	310	2	..	..	6	

STATEMENT No. 35 (CRIMINAL)

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1940—(concluded)

Description of offence	Number of offences reported— In and pending from previous year	Number of offences reported— During the year	Number of cases returned as true of offences reported— In and pending from previous year	Number of cases returned as true of offences reported— During the year	Number of cases brought to trial during the year	Number of persons— Under trial during the year, including pending from previous year	Number of persons— Acquitted or discharged	Number of persons— Convicted	Number of persons— Died, escaped or transferred to another province: Died	Escaped	Transferred	Number of persons— Remaining under trial	Number of complainants dealt with under section 250 of the Code of Criminal Procedure
1	2	3	4	5	6	7	8	9	10			11	12
Special and Local Laws—(concluded)													
Sugar Factories Control Act I of 1938 (U. P.).	..	3	..	3	3	6	..	6	..	..	..	..	..
Telegraph Act XIII of 1885.	..	13	..	13	12	12	2	10	..	..	..	..	..
Tenancy Act XVII of 1939 (U. P.).	..	8	..	6	4	5	5	..	..	..	..	..	..
Town Areas Act II of 1914 (U. P.).	2	515	2	512	496	508	87	415	..	..	..	6	..
Town Improvement Act VIII of 1919 (U. P.).	..	24	..	23	22	25	3	22	..	..	..	..	..
Treasure Trove Act VI of 1878.	..	2	..	2	2	2	..	2	..	..	..	..	..
Vaccination Act XIII of 1880.	..	18	..	8	8	8	..	8	..	..	..	..	..
Wild Birds and Animals Protection Act VIII of 1912.	..	2	..	2	2	2	..	2	..	..	..	..	..
Grand total of Criminal Procedure Code and Special and Local Laws. 1940	4,325	56,974	4,173	50,854	45,079	60,822	16,102	43,120	43	6	..	1,551	4
1939	4,434	51,966	4,229	49,070	41,617	57,279	16,909	38,545	29	30	..	1,766	6
GREAT GRAND TOTAL. 1940	6,475	80,845	6,019	67,687	61,610	110,521	49,031	54,812	97	38	..	6,491	48
1939	6,595	77,652	5,932	66,872	59,129	1 24,210	51,225	65,614	95	57	..	7,219	67

STATEMENT No. 36

Showing punishments inflicted by various criminal tribunals

Class of Courts		Number of persons executed	Number of persons				
			Death	Transportation or penal servitude	Imprisonment	Fine or forfeiture	Whippings,
1		2	3	4	5	6	7
Subordinate Magistrates	Special Magistrates under section 14.	..	..	..	268	830	..
	Honorary Magistrates sitting singly.	..	..	..	843	11,586	3
	Stipendiary Magistrates sitting singly.	..	..	..	5,907	14,010	111
	Benches of Honorary Magistrates	..	..	..	399	15,476	..
District and Divisional Magistrates. Cases referred under sections 347 and 349 of the Code of Criminal Procedure.		..	..	..	17	6	6
Chief Magistrates of districts ..		..	..	..	6	1	..
Courts of Session		46	92	171	1,365	66	17
Total ..	1940 ..	46	92	171	8,805	41,975	137
	1939 ..	34	82	176	22,770	52,312	121

(CRIMINAL)

in the Province of Oudh, during the year 1940

sentenced to—			Total amount of fines			Number of persons sentenced to imprisonment of—			
	To fine of—								
Give security	Rupees 10 and under	Over Rs.10	Imposed	Realized	Paid as compensation	Fifteen days and under	Above 15 days to 6 months	Above 6 months to 2 years	Above 2 years
8	9	10	11	12	13	14	15	16	17
			Rs.	Rs.	Rs.				
18	559	271	8,487	6,182	403	73	104	91	..
241	10,907	679	36,195	25,625	1,946	145	433	265	..
5,399	9,947	4,063	1,79,469	1,24,423	9,367	299	2,407	3,200	(*a*)1
..	14,744	732	36,847	24,253	1,443	84	315	..	..
1	..	6	225	225	145	..	10	7	..
1	..	1	200	100	..	..	1	5	..
6	2	64	7,205	3,151	430	..	101	150	1,114
5,666	36,159	5,816	2,68,628	1,83,959	13,734	601	3,371	3,718	1,115
4,990	38,279	19,033	4,28,463	1,60,172	18,289	823	17,518	3,403	1,026

(*a*) Sentence of imprisonment exceeding 2 years was passed under section 32 read with section 35 of the Code of Criminal Procedure.

PROVINCIAL STATEMENTS

PROVINCIAL STATEMENT No. III (CRIMINAL)

[Same as Imperial Judicial Statement no. III (Criminal) prescribed by Government of India, Home Department no. F-490-22 (Judicial), dated June 7, 1923.]

Statement of miscellaneous proceedings under the Code of Criminal Procedure and United Provinces First Offenders' Probation Act, VI of 1938, in the province of Oudh, during the year 1940

Nature of proceedings	Total number of cases before the courts	Number of persons concerned	Number of persons discharged	Number of persons convicted
1	2	3	4	5
1. Proceedings against witnesses under Chapter VI-C and section 485.	38	45	22	17
2. Proceedings under Chapter VIII to prevent breach of the peace.	1,853	11,759	7,600	3,475
3. Proceedings under Chapter VIII—Security for good behaviour.	1,577	2,505	201	2,182
4. Proceedings against local nuisances, Chapter X.	318	601	380	170
5. Possession, Chapter XII	842	2,381	1,528	670
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, section 250.	69	86	23	43
7. Non-attendance of jurors and assessors, Chapter XXIII, section 332.	31	33	26	7
8. Maintenance, Chapter XXXVI ..	298	298	209	60
9. Forfeiture of bail or recognizance, Chapter XLII.	267	412	236	150
10. Proceedings under section 7 of the United Provinces First Offenders' Probation Act VI of 1938, against convicted offenders released under section 4 of the Act.	2	2	..	2
Total .. 1940 ..	5,295	18,122	10,225	6,781
Total .. 1939 ..	5,622	19,391	11,870	6,089

PROVINCIAL STATEMENT No. IV (CRIMINAL)

[Same as Imperial Judicial Statement no. V-A (Criminal) prescribed by Government of India, Home Department (Judicial) nos. 1237 and 1434—1445, dated August 11, 1902 and September 18, 1905.]

Showing the particulars of whippings inflicted by criminal tribunals in the Province of Oudh, during the year 1940

PART I

Showing whippings inflicted under sections 3 and 4 of Act no. IV of 1909, *in lieu of other punishments*

Offences for which awarded			Number of persons
1			2
In lieu of other punishments. (Sections 3 and 4 of Act no. IV of 1909)			
1. Theft, as defined in	section 378, Indian Penal Code.		43
	" 380, " ..		24
	" 382, " ..		3
2. Lurking house-trespass, as defined in ..	" 443, "	In order to the committing of any of the above offences punishable with whipping.	6
3. Lurking house-trespass, by night, as defined in	" 444, "		24
4. House-breaking as defined in ..	" 445, "		6
5. House-breaking, by night, as defined in	" 446, "		9
6. Abetment, commission, or attempt to commit rape, as defined in ..	" 375, " ..		1
7. Compelling, or inducing any person by fear of bodily injury to submit to an unnatural offence, as defined in ..	" 377, " ..		2
	On first conviction ..		116
	On re-conviction ..		2
	Total ..	1940	118
		1939	109

PART II

Showing whippings inflicted in addition to other punishments under section 4 of Act no. IV of 1909

Offences for which awarded		Number of persons
1		2
In addition to other punishments (Section 4)		
Abetment, commission or attempt to commit rape, as defined in section 375, Indian Penal Code.		16
Total ..	1940 ..	16
	1939 ..	8

PART III

Showing whippings inflicted under section 5 of Act no. IV of 1909, on juveniles for offences other than those specified in Parts I and II

Offences		Number of persons
1		2
1. Theft by clerk or servant of property in possession of master as defined in section 381, Indian Penal Code.		1
2. Cheating and dishonestly inducing delivery of property, as defined in section 420, Indian Penal Code.		1
3. Penalty for breach of rules, section 7 of the Hackney Carriage Act (XIV of 1879).		(a)1
On first conviction ..		3
On re-conviction ..		..
Total ..	1940 ..	3
	1939 ..	4

(a) The sentence of whipping was passed in contravention of the law.

PART IV

Showing relative number of times whipping was awarded as compared with other punishments

Punishments	Number
1	2
1. Total number of whippings awarded	137
2. Total number of other punishments in cases in which whipping might have been awarded.	1,568
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2).	1,705
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	8·03

PROVINCIAL STATEMENT No. V (CRIMINAL)

[Same as Imperial Judicial Statement no. 13 (Criminal) prescribed by Government of India, Home Department (Judicial) no. 9-Judicial/675—687, dated May 20, 1892.]

Showing use of jurors and assessors in the Criminal Courts of the Province of Oudh, during the year 1940

Classes of Courts in which jurors or assessors are employed	Established or average number of jurors or assessors in each case and prescribed qualifications	Number of accused persons in jury trial				Number of accused persons in trial with assessors			
		Tried	As to whom the Judge—			Tried	As to whom the Judge—		
			Approved of verdict	Did not approve of verdict	Made references under section 307 of the Code of Criminal Procedure		Agreed with all the assessors	Differed from one or more but not from all the assessors	Differed from all the assessors
1	2	3	4	5	6	7	8	9	10
Sessions Judge, Lucknow.	5 jurors ..	82	81	1	1	..	..	..	..
	3 or 4 assessors.	..	..	..	..	86	26	16	44
Sessions Judge, Bara Banki.	3 or 4 assessors.	..	..	..	..	366	203	80	83
Sessions Judge, Unao.	3 or 4 assessors	..	..	..	..	338	186	73	79
Sessions Judge, Sitapur.	3 or 4 assessors.	..	..	..	..	806	388	215	203
Sessions Judge, Hardoi.	3 or 4 assessors.	..	..	..	..	807	444	243	120
Sessions Judge, Fyzabad.	5 jurors ..	64	63	1	1	..	..	..	..
	3 or 4 assessors.	..	..	..	..	283	201	73	9
Sessions Judge, Gonda.	3 or 4 assessors.	..	..	..	..	508	266	148	94
Sessions Judge, Rae Bareli.	3 or 4 assessors.	..	..	..	..	442	186	117	139
Total .. 1940	..	146	144	2	2	3,636	1,900	965	771
Total .. 1939	..	114	114	..	..	3,164	1,712	891	561

N.B.—878 cases were tried with the aid of assessors and 42 cases were tried with the aid of jurors.

PROVINCIAL STATEMENT

Showing the general result of trials in original criminal courts in the Province ... dated July 22, 1939, as amended by G. O.

Name of district	Tried on complaint				Tried under the Indian Penal Code or Code of Criminal Procedure on police report				Tried under other laws on police report			
	Number of persons	Number of cases	Number of cases which ended in conviction	Number of persons convicted in cases	Number of cases	Number of persons	Number of cases which ended in conviction	Number of persons convicted in cases	Number of cases	Number of persons	Number of cases which resulted in conviction	Number of persons convicted in cases
1	2	3	4	5	6	7	8	9	10	11	12	13
Lucknow ..	11,418	8,599	7,492	7,769	7,274	8,658	7,019	7,086	8,578	9,177	8,160	8,617
Bara Banki ..	2,070	638	245	552	719	2,569	548	1,585	245	977	324	641
Unao	2,057	557	125	333	520	1,806	364	868	1,868	2,148	1,422	1,584
Sitapur ..	3,194	881	203	334	770	2,215	611	1,514	2,600	3,110	2,153	2,407
Kheri.. ..	2,318	740	171	381	432	1,442	286	672	1,357	1,532	765	883
Hardoi ..	5,133	2,088	970	1,217	905	3,203	653	1,452	633	896	601	790
Fyzabad ..	4,866	1,928	525	872	643	1,531	479	736	2,228	2,452	2,086	2,327
Sultanpur ..	4,097	1,510	571	864	416	1,214	289	578	253	453	228	317
Gonda.. ..	3,760	1,780	688	975	476	1,345	377	657	815	835	695	726
Bahraich ..	4,517	2,419	897	1,157	509	1,310	358	682	425	494	393	442
Rae Bareli ..	2,530	1,299	751	855	420	1,206	333	799	877	1,150	799	995
Partabgarh ..	3,180	1,403	328	647	341	738	234	424	436	525	400	435
Total, Magistracy	49,135	23,842	12,966	15,956	13,425	27,237	11,551	17,058	20,315	23,749	18,026	20,164
Courts of Session	66	9	3	9	908	3,706	619	1,631	5	5	4	4
GRAND TOTAL 1940	49,201	23,851	12,969	15,965	14,333	30,943	12,170	18,684	20,320	23,754	18,030	20,168
GRAND TOTAL 1939	63,829	22,102	8,885	27,470	8,291	23,417	6,328	12,054	26,841	29,624	23,913	26,121

No. VI (CRIMINAL)

of Oudh, during the year 1940 *as required by G. O. no.* 2006/*VI*—2146-1937, *no.* 1222/*VI*—2146-1937, *dated May* 15, 1940

Tried under section 107, Code of Criminal Procedure

Number of persons tried		Number of persons let off on the cases being compromised		Number of persons let off because the occasion in connexion with which the proceedings were taken had passed		Number of persons let off on the ground that the justification for such proceedings had not been established		Number of persons actually bound over		Remarks
On police report	On private complaint	On police report	On private complaint	On police report	On private complaint	On police report	On private complaint	On police report	On private complaint	
14	15	16	17	18	19	20	21	22	23	24
451	279	57	229	47	31	101	15	105	12	
1,296	83	326	60	..	62	..	..	464	4	
1,100	126	99	84	391	..	289	22	321	20	
1,247	149	405	81	50	15	37	23	748	37	
718	195	172	67	135	..	123	75	257	62	
1,830	359	1,075	258	45	..	103	66	573	69	
636	89	197	29	160	..	156	29	126	18	
634	190	265	126	16	..	158	81	162	16	
392	111	346	60	9	..	52	..	60	44	
334	84	221	58	..	..	71	22	42	4	
379	217	93	165	17	..	50	22	211	38	
188	64	69	38	47	..	18	5	47	22	
9,205	1,946	3,325	1,255	917	108	1,158	360	3,116	346	
..	..	..	..	..	..	..	..	..	..	
9,205	1,946	3,325	1,255	917	108	1,158	360	3,116	346	
8,662	2,932	3,457	1,577	1,316	247	1,160	848	2,336	305	